










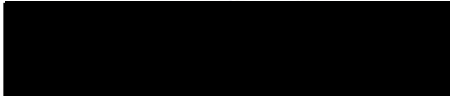



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Reporting Officer:  ID: 5188 Division: Internal Affairs

Approved by:  Date of Report: May 13, 2014

**San Diego Police Department
Investigator's Report**

Date of Incident: Various Dates
Time of Incident: Various Hours
Location of Incident: Various locations in San Diego County
Subject: Internal Investigation I.A. #2014-019

CONFIDENTIAL: **THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.**

SUBJECT OFFICER: **HAYS, Christopher / POII, ID #6822**
Date of Hire: 04/23/2010
S.D.P.D., Mid City Division – 3rd Watch
(619) 516-3000 (W)
W / M, DOB: [REDACTED]
Ht- 6'4" / Wt- 190 lbs.

WITNESS OFFICER: **JARVIS, Philip "Todd" / Captain, ID #3663**
Date of Hire: 04/27/1984
S.D.P.D., Mid City Division – Administration
(619) 516-3000 (W)
W / M, DOB: [REDACTED]
Ht- 6'2" / Wt- 220 lbs.

YEE, Bernadette / POII, ID #6631
Date of Hire: 02/09/2002
S.D.P.D., Mid City Division – Juvenile Services Team
(619) 516-3000 (W)
H / F, DOB: [REDACTED]
Ht- 5'3" / Wt- 130 lbs.

EVANS, Craig / Sergeant, ID #5483
Date of Hire: 11/30/1998
S.D.P.D., Mid City Division – 2nd Watch
(619) 516-3000 (W)
W / M, DOB: [REDACTED]
Ht- 5'10" / Wt- 200 lbs.

Reporting Officer: [REDACTED] 5188 Division: Internal Affairs
Approved by: [REDACTED] Date of Report: May 13, 2014

MCKEAN, Lisa / Sergeant, ID #5931

Date of Hire: 12/06/2002

S.D.P.D., Mid City Division – 2nd Watch

(619) 516-3000 (W)

W / F, DOB:

Ht- 5'6" / Wt- 135 lbs.

KASHOUTY, Brian / POI, ID #7044

Date of Hire: 02/22/2013

S.D.P.D., Northwestern Division – 3rd Watch

(858) 523-7000 (W)

W / M, DOB:

Ht- 6'2" / Wt- 180 lbs.

CIVILIAN WITNESS:

Service	Percentage
I have used a service	70%
I have used a service	100%
I have used a service	50%
I have used a service	70%
I have used a service	50%

Response	Percentage
Yes	55%
No	45%

Administration	Percentage
Current Administration	85%
Previous Administration	15%

[illegible]

Response	Percentage
Yes, the U.S. should take action to address climate change	85%
No, the U.S. should not take action to address climate change	15%

Reporting Officer: Jeffrey Peterson, Sergeant

ID: 5188 Division Internal Affairs

Approved by:

Date of Report: May 13, 2014

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SUMMARY:

Officer Christopher HAYS, while on-duty and in uniform, committed crimes against [REDACTED]
[REDACTED] and [REDACTED].

Reporting Officer: Jeffrey Peterson, Sergeant [REDACTED] ID: 5188 Division Internal Affairs
Approved by: [REDACTED] Date of Report: May 13, 2014

ALLEGATIONS:

1. CRIMINAL CONDUCT

Officer Christopher HAYS, while on-duty and in uniform, committed crimes against [REDACTED], and [REDACTED].

2. CONDUCT (UNTRUTHFULNESS)

Officer Christopher HAYS was untruthful in his Internal Affairs interview and he knowingly falsified information on a CAD incident.

3. CONDUCT

Officer Christopher HAYS failed to perform his duties per the Department's Policies and Procedures.

4. PROCEDURE

Officer Christopher HAYS retained and stored official police documents in his Department locker.

5. PROCEDURE

Officer Christopher HAYS searched [REDACTED], and [REDACTED] without a witness officer present.

6. PROCEDURE

Officer Christopher HAYS searched [REDACTED]

7. CONDUCT

Officer HAYS conducted himself in a manner that brought himself and the Department into disrepute.

Reporting Officer: Jeffrey Peterson, Sergeant [REDACTED] ID: 5188 Division Internal Affairs
Approved by: [REDACTED] Date of Report: May 13, 2014

INVESTIGATION:

On January 21, 2014, this case was assigned to me for investigation by Lieutenant COLON. Internal Affairs Sergeant Tina BASSETT was assigned as the co-investigator.

On January 21, 2014, at 1420 hours, I met with Captain Albert GUADERRAMA #4282, Lieutenant Charles KAYE #3911, Internal Affairs Lieutenant COLON #4614, Internal Affairs Lieutenant Timothy SAELENS #3426, and Sergeant BASSETT in Lieutenant SAELENS' office to discuss the outcome of the Sex Crimes Unit investigation. During that meeting, Lieutenant SAELENS gave Sergeant BASSETT and me authorization to conduct an administrative locker search of Officer HAYS' locker at Mid City Division.

On January 22, 2014, at 0900 hours, I spoke to Mid City Lieutenant Matt NOVAK #5098 and notified him of our intent to search Officer HAYS' locker. I advised him we would be at Mid City Division at approximately 1030 hours.

On January 22, 2014, at 1040 hours, I called Officer HAYS and left him a message to call me as soon as possible.

On January 22, 2014, at 1046 hours, I spoke to Officer HAYS by telephone. I advised him that Sergeant BASSETT and I were at Mid City Division preparing to conduct an administrative search of his locker. I asked him if he wanted to drive down and be present for the search. Officer HAYS requested a few minutes to try to get in touch with his attorney.

On January 22, 2014, at 1117 hours, I spoke to Officer HAYS by telephone. He advised me that he had spoken with POA Attorney Rick PINKCARD. Officer HAYS declined to be present for the search. He told me PINKCARD requested the search be videotaped which I agreed to. I ended my conversation with Officer HAYS by telling him I would be in touch with him in the near future in regards to my investigation.

On January 22, 2014, at 1124 hours, Sergeant BASSETT and I conducted an administrative search of Officer HAYS' locker. The search was video recorded by Sergeant BASSETT and a copy of the video was placed in the case file. The locker search yielded the following items of note:

- Field Interviews #2659403 & #2468332 that were not submitted.
- Citations #Y1403122 & #Y1332301 that were returned for correction but not re-submitted.
- Goldenrod copy of the DV Information Sheet for SDPD Case #13-027156.
- Completed Ride Along form for [REDACTED] on November 05, 2013.

On January 22, 2014, at 1503 hours, I sent a request to [REDACTED] in Human Resources to obtain a printout of the activity on the electronic keycard of Officer HAYS from December 27, 2013, until January 21, 2014.

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On January 22, 2014, at 1504 hours, I received an e-mail reply from [REDACTED]. She referred me to [REDACTED] in Facilities Management for the information and advised me he would need commanding officer approval for the search.

On January 22, 2014, at 1518 hours, I sent an e-mail to Lieutenant COLON requesting he contact [REDACTED] and request the electronic keycard date regarding Officer HAYS' keycard.

On January 22, 2014, I received an e-mail from [REDACTED] through Lieutenant COLON stating that Officer HAYS' keycard had not been used since December 24, 2013.

On January 23, 2014, at 0825 hours, I received a binder from Sex Crimes Sergeant Matt DOBBS #5228 containing the criminal investigation completed by Detective Cory GILMORE #5919.

On January 23, 2014, at 1400 hours, I spoke to Officer HAYS by telephone. I advised him that his interview was scheduled for January 30, 2014, at 0800 hours at Internal Affairs pending my verification of his attorney's availability.

On January 24, 2014, at 1015 hours, I spoke to POA Attorney Rick PINKCARD by telephone regarding Officer HAYS' scheduled interview. We agreed to re-schedule the interview for January 29, 2014, at 1300 hours.

On January 28, 2014, at 0745 hours, I went to the Headquarters Property Room and made copies of six (6) DVD's containing Automated Vehicle Locator (AVL) data for Officer HAYS' patrol vehicle on dates related to this investigation. I placed copies of the DVD's in the case file.

On January 28, 2014, at 0830 hours, I sent a request to Communications for the dispatch audio recording associated with Incident #P13120041328 (459A that occurred on December 23, 2013 at 2357 hours).

On January 28, 2014, at 1030 hours, I received CD #14-0035 containing the dispatch audio recordings I had requested. I placed the CD in the case file.

On January 28, 2014, at 1335 hours, I met with Sex Crimes Detective Cory GILMORE in the Internal Affairs interview room. Detective GILMORE handed me two CD's related to interviews he had with [REDACTED]. According to Detective GILMORE, [REDACTED] was arrested by Officer HAYS for a warrant on August 02, 2012. During that arrest, [REDACTED] said Officer HAYS conducted an improper search of her bra. I placed the two CD's along with copies of the arrest report, [REDACTED] booking information, and [REDACTED] criminal history in the case file.

On January 29, 2014, at 1259 hours, I interviewed Officer HAYS in the Internal Affairs interview room at the San Diego Police Department headquarters. Attorney Rick PINKCARD was present during the interview as Officer HAYS' employee representative. Internal Affairs Sergeant Tina BASSETT was present as well. I placed a compact disk containing the audio recording of the interview in the case file.

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Approved by: [REDACTED] Date of Report: May 13, 2014

On January 31, 2014, at 0825 hours, I sent a request to Communications for the dispatch audio tapes associated with the courtesy ride provided to [REDACTED] by Officer HAYS on October 30, 2013.

On January 31, 2014, at 0830 hours, I met with Detective GILMORE in the lobby area of the Internal Affairs Unit. He provided me with a CD containing the audio recording of an interview he had conducted earlier that morning with Officer Brian KASHOUTY #7044.

On January 31, 2014, at 1530 hours, I received CD #14-0052 from Communications containing the dispatch audio recordings from the morning of October 30, 2013, when Officer HAYS provided [REDACTED] a ride home. I listened to the recording and discovered that Officer HAYS aired the courtesy transport as well as his starting and ending mileage.

On January 31, 2014, at 1540 hours, Sergeant BASSETT conducted a records check into the arrest of [REDACTED] by Officer HAYS on August 02, 2012. A review of the CAD incident printout (Incident #P12080002483) showed that Officer Bernadette YEE #6631 responded to the arrest location at 0901 hours. A review of Officer YEE's journal for that shift showed that she noted in her journal that she conducted a "female search for 824J1." 824J1 was Officer HAYS' unit designator for that shift. Based on that information, as well as [REDACTED] own statements during her interview indicating that a female officer may have been present during her arrest, it appears that [REDACTED] may have been searched by Officer YEE. It is unknown if Officer HAYS conducted a separate search of [REDACTED].

On February 04, 2014, at 1055 hours, I spoke to Officer YEE by telephone. We agreed to an interview on February 06, 2014, at 0800 hours at the Qualcomm Stadium parking lot.

On February 04, 2014, I checked COPLINK and CRMS for field interviews for [REDACTED], [REDACTED] and [REDACTED]. I did not locate any.

On February 06, 2014, at 0810 hours, I interviewed Officer YEE in my Department vehicle in the parking lot of Qualcomm Stadium. Sergeant BASSETT was present during the interview. I placed a compact disk containing the audio recording of the interview in the case file.

On February 07, 2014, at 1500 hours, Sergeant BASSETT and I met with Detective GILMORE in the Internal Affairs office. Detective GILMORE provided me with background information on Officer HAYS' contact with [REDACTED] on June 12, 2013. I was provided a CD containing his interview with [REDACTED] another CD containing interviews of Sergeant EVANS and Sergeant MCKEAN, as well as a CD containing AVL information for Officer HAYS' patrol vehicle on June 12, 2013. I was also provided a copy of an Arjis-9 completed by Officer HAYS regarding the incident. I placed all information provided by Detective GILMORE in the case file.

On February 09, 2014, at 1250 hours, Officer HAYS was arrested by Detective GILMORE and booked into jail. His charges were two counts of 236 PC False Imprisonment with Violence and three counts of 243.4(a) PC Misdemeanor Sexual Battery.

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On February 11, 2014, at 1000 hours, I received documents regarding Officer HAYS' contact with [REDACTED] on November 04, 2012, as well as a second contact with her on February 09, 2013. Attached to the documents was a CD containing [REDACTED] statement to Detective GILMORE, a DVD containing AVL information for Officer HAYS' vehicle in regards to the November contact, and a DVD containing sixty-seven photographs related to the Sex Crimes Unit investigation of [REDACTED] allegations. I placed the discs and information in the case file.

On February 11, 2014, at 1300 hours, Sergeant BASSETT and I met with Detective GILMORE in the Internal Affairs office. Detective GILMORE provided me a CD containing his DA Interview with [REDACTED]. I placed the CD in the case file.

On February 12, 2014, at 1605 hours, I exchanged a series of text messages with PINKCARD in regards to scheduling a re-interview of Officer HAYS. PINKCARD agreed to an interview of Officer HAYS on February 19, 2014, at 0900 hours at Internal Affairs. PINKCARD said he understood this to be an order to Officer HAYS to appear for an interview at that time and he would make that known to Officer HAYS as his attorney.

On February 18, 2014, Officer HAYS was criminally charged with by the San Diego County District Attorney's Office with two counts of felony false imprisonment by menace and three counts of misdemeanor sexual battery.

On February 18, 2014, at 1330 hours, Internal Affairs Sergeant BASSETT and I attended Officer HAYS' arraignment in Department 12 of the San Diego Superior Court. Officer HAYS was present in court and he was represented by Attorney Kerry ARMSTRONG. Officer HAYS pled not guilty to all five charges. His readiness conference was schedule for March 24, 2014, and his preliminary hearing was set for April 22, 2014.

On February 19, 2014, at 0615 hours, I received an e-mail from Deputy DA Fiona KAHLIL containing the charging sheet from Officer HAYS' arraignment. I placed a printed copy in the case file.

On February 19, 2014, Officer HAYS resigned from the San Diego Police Department. At 0915 hours, Attorney PINKCARD delivered to me a copy of Officer HAYS' resignation letter. I placed a copy of the letter in the case file.

On March 6, 2014, Lieutenant SAELENS advised Sergeant BASSETT to toll this case pending the outcome of the criminal case.

All interviews were tape recorded and the recordings will be maintained with the Internal Affairs file. The following are "in essence" synopses of the interviews. (For exact and complete details of the interviews, refer to the tape recordings.)

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Approved by: [REDACTED] Date of Report: May 13, 2014

Civilian Witness Interview: [REDACTED]

On December 26, 2013, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed [REDACTED] at her residence. The interview was audio recorded. On January 2, 2014, Sex Crimes Detective C. GILMORE #5919 and DDA Annette IRVING re-interviewed [REDACTED] in the San Diego Police Department's Sex Crimes Unit. The interview was audio and video recorded.

On December 23, 2013, [REDACTED] and her boyfriend, [REDACTED] went out to eat dinner. She drank "way too much." During the walk home, she twisted her ankle. They got into an argument over another woman and she was crying. [REDACTED] "spanked her butt" a couple times. Officer HAYS pulled over and told her there seemed to be a problem. [REDACTED] was grateful the officer stopped.

She and [REDACTED] had some sort of conversation with Officer HAYS. Officer HAYS patted down [REDACTED] and put him in the back of the police car. Officer HAYS told [REDACTED] to sit on the bumper of the police car. She did not recall if Officer HAYS asked for her name and birthdate. Officer HAYS asked [REDACTED] if [REDACTED] hit her or spanked her. She told him he "spanked" her. Officer HAYS asked her if she had ever been arrested. She told him she had. Officer HAYS asked her if she had anything illegal on her. He asked her to pull her bra out away from her body to make sure nothing was inside so she did.

Officer HAYS spoke with [REDACTED] about where he lived. [REDACTED] told him he lived in Imperial Beach. Officer HAYS asked [REDACTED] if she had any money. Officer HAYS went to the back door of the police car where [REDACTED] was and took out his wallet. [REDACTED] believed he was going to give [REDACTED] money for the trolley. Officer HAYS let him out of the car and [REDACTED] walked away.

Officer HAYS asked her how far away she lived. She told him down the street. Officer HAYS told [REDACTED] he was going to give her a "courtesy ride" home because she was too drunk. She told him numerous times she wanted to walk home because she wanted to go get cigarettes. Officer HAYS again told her he was going to give her a ride home because she was too drunk to walk home. She was indifferent about getting a ride but did not feel she was too drunk to walk home. She was not afraid to walk home by herself. She did not expect the officer to take her home.

Officer HAYS asked to look in her purse before she got in the car. [REDACTED] handed her purse to him. Officer HAYS told her he was going to have to pat her down before she got into his car for his safety. [REDACTED] was okay with that. She recalled Officer HAYS checked her legs and waistband. Officer HAYS told her to pull her bra out and shake it to make sure nothing was in it. [REDACTED] complied and no skin was exposed. She did not recall Officer HAYS touching her breast area during the pat down. She then got in the car.

Officer HAYS obtained her address and used his radio to call in the "courtesy ride." As they drove past the gas station she asked Officer HAYS if he would stop so she could get cigarettes. He told her no. Officer HAYS drove her to her residence and let her out of the car. At some point, Officer HAYS asked

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her if she lived alone. She told him she did. He asked if [REDACTED] lived with her or if he had a key to her apartment. She told him [REDACTED] lived in Imperial Beach and that he did not have a key.

[REDACTED] unlocked the front gate (she did not recall having trouble doing that) and Officer HAYS followed her into the complex. She walked to her apartment, unlocked the front door and Officer HAYS followed her inside (the officer did not help her unlock the door). [REDACTED] did not need assistance walking to her apartment and Officer HAYS did not help her. [REDACTED] now felt uncomfortable (she noted Officer HAYS had on black gloves) that Officer HAYS was inside her apartment.

[REDACTED] did not invite Officer HAYS into her apartment, but she did not tell him not to come inside. She did not recall if she told Officer HAYS that she was okay and he could leave. She did not want him in her apartment.

When they got inside, [REDACTED] saw [REDACTED] on the couch and said, "There's [REDACTED]." Officer HAYS responded, "I thought you lived alone." He then asked where her bedroom was. [REDACTED] pointed to the back of the apartment. He said something like, "Let's go." She thought it was weird but she walked to her bedroom and Officer HAYS followed her. She felt very uncomfortable. They both went inside her bedroom and she turned on the lights. Officer HAYS told her to put on her pajamas. She told him no in a "giggly" way. He then told her to pull her bra out and shake it for his safety.

[REDACTED] thought it was strange but she did it. He then told her to lift up both of her shirts and she did because she was fearful he would get angry or physical. Her breasts and nipples were exposed for a few seconds. Officer HAYS was within arms distance "snapping his gloves" but he did not touch her. Officer HAYS then thrust his hips towards her and told her to "touch it." She believed he wanted her to touch his penis (over his pants) because Officer HAYS had an erection (a bulge in his pants by the zipper).

[REDACTED] knew something was wrong. His behavior was inappropriate and she felt it was going to progress badly so she tried to deflect the conversation and asked him if he wanted cookies. She was speaking loudly in hopes [REDACTED] would wake up. Officer HAYS was in the path to the doorway but she was able to scoot around him and went into the kitchen. Officer HAYS followed her to the kitchen. [REDACTED] was banging the cupboards as she was putting the cookies together hoping [REDACTED] would wake up.

[REDACTED] woke up, rolled over and went back to sleep. Officer HAYS did not say anything to [REDACTED]. Officer HAYS did not take the cookies and walked to the front door. As Officer HAYS was leaving, he told her, "I know where you live. I'll be back." He may have waved goodbye. [REDACTED] said she never exchanged phone numbers with Officer HAYS.

After Officer HAYS left, she locked the door. Officer HAYS was at her apartment for about 10 minutes, but it seemed longer. [REDACTED] got her an ice pack for her ankle then took her to get cigarettes and beer.

[REDACTED] did not report Officer HAYS because she was afraid he would come back.

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Approved by: [REDACTED] Date of Report: May 13, 2014

Civilian Witness Interview: [REDACTED]

On December 26, 2013, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed [REDACTED] at [REDACTED] residence. The interview was audio recorded. On January 2, 2014, Sex Crimes Detective C. GILMORE #5919 and DDA Annette IRVING interviewed [REDACTED] in the San Diego Police Department's Sex Crimes Unit. The interview was audio and video recorded.

On December 23, 2013, [REDACTED] and [REDACTED] were out having dinner and drinks. [REDACTED] had been drinking a lot. They were walking home and began arguing and she accused him of talking to another woman. [REDACTED] "spanked" her three times. Soon after, Officer HAYS pulled up to them. [REDACTED] was grateful he stopped.

[REDACTED] told Officer HAYS that they were arguing and that he "spanked" [REDACTED]. Officer HAYS handcuffed him, emptied his pockets on the windshield of the car, and put him in the back of the car. Officer HAYS never asked for his identification. [REDACTED] believed he was going to go to jail for domestic violence.

He saw that Officer HAYS was speaking with [REDACTED] but he could not hear the conversation. Eventually, Officer HAYS came back to the car and got on his computer and typed in [REDACTED] name. He then asked [REDACTED] his name and typed it into the computer. Officer HAYS let him out of the car and unhandcuffed him. He told [REDACTED] to go home. [REDACTED] told Officer HAYS he did not have enough money to get home on the trolley, that he only had some change. Officer HAYS pulled out a five dollar bill and told [REDACTED] he would give him the bill and for him to hand over his change. [REDACTED] asked what time it was; Officer HAYS said 2342. [REDACTED] told him he could not get to the trolley in time before it stopped running. Officer HAYS put his money back in his wallet and gave [REDACTED] his change back. Officer HAYS told him to figure it out and said if he sees him again tonight he will arrest him. Officer HAYS told him he was going to take [REDACTED] home. [REDACTED] said [REDACTED] was capable of walking home by herself but he was relieved the officer was taking her home. [REDACTED] walked to 7-11 to call his roommate to pick him up.

About 30 minutes after she got home, [REDACTED] called and told him what Officer HAYS did to her. [REDACTED] convinced her to report it.

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Approved by: [REDACTED] Date of Report: May 13, 2014

Civilian Witness Interview: [REDACTED]

On December 24, 2013, Sex Crimes Detective K. MCNAMARA #4255 interviewed [REDACTED] over the phone. The interview was audio recorded. On December 30, 2013, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed [REDACTED] at [REDACTED] residence. The interview was audio recorded.

On December 23, 2013, she was staying the night at [REDACTED] residence. She was sleeping on the couch. At some point she woke up and saw [REDACTED] and Officer HAYS standing in the kitchen. [REDACTED] told her the officer brought her home because [REDACTED] "got crazy." Officer HAYS did not say anything. [REDACTED] asked [REDACTED] if she was okay and she said she was fine. [REDACTED] did not suspect anything was wrong. [REDACTED] nodded off.

An unknown amount of time passed when [REDACTED] woke [REDACTED] up and told her she hurt her foot. [REDACTED] sat up on the couch. She saw Officer HAYS was standing by the Christmas tree (she noted he was wearing black gloves). Officer HAYS told [REDACTED] he was trying to get [REDACTED] to go to bed. [REDACTED] came over to the couch and told [REDACTED] the officer was leaving and that she was going to go to bed. [REDACTED] lay back down on the couch. Officer HAYS left.

[REDACTED], who was intoxicated, then asked [REDACTED] why Officer HAYS was in her room and wearing black gloves. [REDACTED] told [REDACTED] that while in the bedroom, Officer HAYS told her to lift her shirt. [REDACTED] said her breasts were exposed when she lifted her shirt. [REDACTED] seemed concerned with the officer's actions. [REDACTED] then drove [REDACTED] to 7-11 to get beer and cigarettes.

At some point [REDACTED] told [REDACTED] that Officer HAYS asked her if she lived alone and [REDACTED] told him she did. When they got inside the apartment, Officer HAYS saw [REDACTED] on the couch and said, "Oh. I thought you said you lived alone." [REDACTED] told her she was grateful [REDACTED] was there that night because she did not know what would have happened if she was not.

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Approved by: [REDACTED] Date of Report: May 13, 2014

Civilian Witness Interview: [REDACTED]

On January 2, 2014, Sex Crimes Detective C. GILMORE #5919 and DDA Annette IRVING interviewed [REDACTED] in the San Diego Police Department's Sex Crimes Unit. The interview was audio and video recorded.

[REDACTED] and her boyfriend had been arguing so she left him for a few days (they live together in a canyon). On December 23, 2013, around 0515 hours, she was in the area of 49th and El Cajon Blvd looking for recyclables. She had forgotten her glasses at home and her flashlight stopped working. She was "high" on meth and crying. Officer HAYS stopped her on El Cajon Blvd and asked her what she was doing. She told him she was lost and she left her glasses at home. He asked for her name and she provided it. She did not know if he wrote it down. He did not ask for her birthday or social security number, which was strange to her because other police officers have asked for that information when they contact her. She did not know if he did a records check on her. He then told her he would give her a "courtesy ride" home. She thought "something was up" because she said "cops aren't a taxi service." [REDACTED] said she wanted a ride "really bad" so she accepted the offer. The officer opened the back door and she put her bags of recyclables in his car and got in the backseat. The officer did not search her bags or her before she got in the car. She told him to go to the area of Wightman and Menlo (a house where she occasionally stays, but she normally lives in the canyon at Euclid and Home Ave). Officer HAYS got on his radio and aired the "courtesy ride." She heard the dispatcher respond and remembered his radio volume was very low.

During the drive, Officer HAYS asked what she was doing out and why was she crying. She told him she was out looking for recyclables. She told him she was lost and she and her boyfriend had been fighting. When they arrived at Winona and Menlo, Officer HAYS parked in the street. He opened the door and she got out. Officer HAYS told her he needed to search her. She walked into the driveway of the house and Officer HAYS followed her. She knew she could have said no to the search, but she did not want any problems or to end up being arrested, so she consented. She did not want the officer to touch her but she did not feel she had an option to say no to the search. She felt it would have been more of a problem if she had said no. She set her bags in the middle of the driveway and moved closer to the front door.

Officer HAYS stood behind her and slid both his hands down her arms, and down her hips and legs. He was either bent over or squatting down. He moved both his hands up her legs (remaining in constant contact) and rubbed the palms of his hands on her vagina over her clothes in a wiping motion. He then rubbed his hands over her buttocks. While standing behind her, he then put both hands on her breasts (she was not wearing a bra). He never touched her skin. She did not yell for help because she just wanted the officer to leave, but he did not. He told her she could have said no to the search. He then asked her if she noticed anything different about the search he did. She lied and said no because she wanted him to go away and if she said yes that would have given him a reason to stay and continue to talk to her. Officer HAYS then told [REDACTED] that a female officer can search with the front of the hands but a male officer has to use the back of his hands. [REDACTED] knew what he did was not right and he abused his powers.

Officer HAYS wanted to know about her boyfriend and why she would be with an Asian man. He told her how he would have sex with a girl. He said he would come up behind her and grab her hair. [REDACTED] cut off the officer. He then asked her what color her underwear was. She said it could be any

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color trying to be very vague. She asked if he should be getting back to work. He told her he was getting off work soon. Their conversation briefly continued and then he walked back to his car. He sat in his car a couple minutes then drove away. The front door was locked and she did not want to wake anyone up so she slept on the porch. She estimated the entire contact lasted about an hour to two hours.

At some point during the contact, Officer HAYS asked if anyone was inside and she told him they were probably sleeping. [REDACTED] said the officer did not knock on the door, make any phone calls to anyone inside the house, or try in any way to assist her getting inside.

[REDACTED] said during the conversation in the driveway she asked him how long he had been an officer. She cannot remember what he told her but she said he looked so young. She believed he had "done this before." She had never seen Officer HAYS before this incident and has not seen him since. [REDACTED] said she respects police officers and said she knows most are not like Officer HAYS.

She said she has been searched by many other police officers (male and female) and none of them searched her the way that Officer HAYS did that day. Additionally, Officer HAYS search lasted a couple minutes whereas the other officers who searched her were about 30 seconds.

[REDACTED] said she thought about filing a complaint against Officer HAYS but she did not think anyone would believe her.

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Civilian Witness Interview: [REDACTED]

On January 2, 2014, Sex Crimes Detective C. GILMORE #5919 and Sergeant M. DOBBS #5228 interviewed [REDACTED] at the San Diego County Superior Courthouse. The interview was audio recorded. On January 3, 2014, Sex Crimes Detective C. GILMORE #5919 and DDA Annette IRVING interviewed [REDACTED] in the San Diego Police Department's Sex Crimes Unit. The interview was audio and video recorded.

On October 9, 2013, [REDACTED] was arrested for a warrant by Officer HAYS. Nothing unusual occurred during that arrest. At that time, a female officer searched her after she was arrested. That was the first time she had seen Officer HAYS.

She saw Officer HAYS again on October 30, 2013, early in the morning. She was sitting at the bus stop waiting alone at 52nd and El Cajon Blvd across from the 7-11 store. Officer HAYS pulled into the parking lot behind the bus stop and remained in his car. He asked her through the open window if she needed a ride and asked what she was doing. She did not recognize him. She told him she did not need a ride that she was waiting for the bus. He told her the bus was no longer running. [REDACTED] did not know if the buses were running. He kept asking her if she needed a ride. She did not want a ride from the officer but she did not feel he would leave her alone until she accepted his ride. He told her he was not going to arrest her, he was just giving her a "courtesy ride." She finally gave in, opened the car door and got into the backseat of his police car. Officer HAYS did not ask for her identification, search her, ask for a female officer, or ask if she had "anything" on her before she got in the car. He called in over the radio that he was providing a "courtesy ride" and gave the location he was taking her to (6000 University). She did not give him her home address (later she believed he must have remembered it from her previous arrest).

During the drive, Officer HAYS asked if she remembered him. She said she did not. He told her he was the one who previously arrested her. Officer HAYS apologized for arresting her. She then recalled who he was. When they arrived at 6000 University, she noticed another police car in the parking lot. Officer HAYS parked right in front of her residence (a storage unit). She got out of the car and walked into the AM/PM. She purchased a Swisher Sweet. She said she was taking a long time because she wanted to be sure Officer HAYS was gone before she came back out of the store. About 15 minutes later, she walked out of the store and went towards her residence. She saw Officer HAYS was still there parked in an alcove and the other police car was gone. [REDACTED] asked him why he was still in the parking lot. Officer HAYS told her he forgot to pat her down. Officer HAYS got out of his car and told her to walk behind the building. He got back in his car and drove behind the building. [REDACTED] said she could have run away but she did not want any issues so she did what he asked to get him to leave faster. She said she did not feel safe and did not feel she had a choice of whether or not to walk behind the building because he is a police officer.

Once behind the building, Officer HAYS turned the police radio down and got out of his car. [REDACTED] was not sure why he wanted her behind the building but she knew something was not right. She also thought it was suspicious that he would need to pat her down after he already gave her a ride and dropped her off. Officer HAYS stood facing her. He explained to her there were different ways to pat down a female. He told her female officers pat down females differently than male officers. Officer

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HAYS said he did not believe male officers should have to search females differently than female officers. Officer HAYS told her he was going to first search her the "female officer way." While standing facing her, he reached up and cupped her breasts, told her they were "big" and "sexy," and repeatedly squeezed them. He then used his hand to cup her vaginal area and told her that her "pussy is fat." [REDACTED] said Officer HAYS had an erection.

He told her he was married but that he has always "had a thing for black girls." He then told her he was going to search her the "male officer way." He barely touched her during that search. He then told her to search him. She barely touched him and did it quickly to get it over with. She asked him if there were cameras on his car and he told her there were not. She told him what he was doing was not okay. He told her he was not doing anything wrong. She said he felt so comfortable doing what he did that she suspects he had done it before.

[REDACTED] has been searched many times. She knows that females are supposed to be searched by female officers but if a male officer has to do it, there needs to be a witness. After the pat downs, Officer HAYS got in his car and left. [REDACTED] was not wearing a watch but estimated she and Officer HAYS were behind the building for about 30 minutes. [REDACTED] said she never wanted Officer HAYS to touch her and she does not like police officers. The next day, when her boyfriend got back in town, she told him what Officer HAYS did to her. He was upset. [REDACTED] said she did not report Officer HAYS because she is a "criminal" and has a lot on her record. She did not want the officer to retaliate against her.

About a week after that incident, [REDACTED] was outside her residence when Officer HAYS drove up and made conversation with her. Another time after that, [REDACTED] boyfriend was outside when she heard him talking to someone. That person asked where [REDACTED] was. [REDACTED] went outside and saw Officer HAYS talking to her boyfriend. Her boyfriend told Officer HAYS that [REDACTED] was pregnant. [REDACTED] left and walked towards the store. Her boyfriend told Officer HAYS he needed to go get [REDACTED]. Officer HAYS offered to get her. He drove up next to her and said, "You're pregnant? What the fuck?" When her boyfriend caught up to them, Officer HAYS drove away. Another time after that, [REDACTED] was sitting on the stairs to their residence after arguing with her boyfriend when Officer HAYS pulled up. He told [REDACTED] she looked mad. [REDACTED] did not reply to him. Her boyfriend came outside and said hello to Officer HAYS. He then drove away. [REDACTED] said it seems as if Officer HAYS is trying to "get with her" and her boyfriend was in the way.

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Civilian Witness Interview: [REDACTED]

On January 6, 2014, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed [REDACTED] at her residence. The interview was audio recorded.

On November 10, 2013, [REDACTED] was at Kmart with her child. She was arrested by a Kmart loss prevention officer for shoplifting and Officer HAYS came to the store.

Officer HAYS handcuffed her and patted her down in front of the loss prevention officer. Officer HAYS explained to [REDACTED] that male officers have to use the back of their hand to search females. He then took her out to his police car. He put her in the rear of the car.

While still in the Kmart parking lot, a female officer arrived. Officer HAYS did not have the female officer search her. The female officer took [REDACTED] property home.

Officer HAYS took [REDACTED] out of the police car, unhandcuffed her and said he needed to search her. She held her hands down at her side and Officer HAYS stood behind her. Officer HAYS began to touch her breast with the palm of his hand in a rubbing motion. [REDACTED] felt awkward about the officer touching her. He then told [REDACTED] to lean forward. He grabbed the underwire of her bra and shook it. Her breast came out of the top of her shirt, exposing her breast. Officer HAYS said, "Oops." [REDACTED] immediately put her breast back inside her shirt. Officer HAYS never touched her bare breast. Officer HAYS, who was now standing to her side, told her to pull her bra out and shake it. Nothing fell out of her bra.

[REDACTED] then told Officer HAYS she had drugs on her because she knew she would get in trouble when she got to jail. [REDACTED] had the drugs concealed in her girdle. She reached in, retrieved it and gave it to Officer HAYS.

On the drive downtown, Officer HAYS told [REDACTED] that one time a female offered to "suck his penis" to get out of going to jail. [REDACTED] told Officer HAYS that people are crazy and to just take her to jail. [REDACTED] had no idea why Officer HAYS told her that.

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Civilian Witness Interview: [REDACTED]

On January 28, 2014, Sex Crimes Detective C. GILMORE #5919 and DDA Annette IRVING interviewed [REDACTED] in the San Diego Police Department's Sex Crimes Unit. The interview was audio and video recorded.

On August 2, 2012, she went to the 7-11 store at 49th and University. She purchased a donut and left the store. She was walking through the parking lot talking on her phone to her boyfriend. She noticed Officer HAYS was parked in the lot. When she got about half way through the lot, Officer HAYS said, "Excuse me." She turned around and he told her to hang up the phone and asked if he could talk to her. She asked if she could say goodbye to her boyfriend first and he again told her to hang up so she did.

He asked her if she was on probation or parole and she said she was on probation. He asked her if she was a fourth waiver and she said she was not. Officer HAYS told her he stopped her because she had a knife (folding pocket knife) on her belt. Officer HAYS told her to walk over to his car so she did. He told her to put her donut, phone and knife on the trunk of his car so she did. He took her name and birthdate down on a piece of paper. He told her she had a warrant and handcuffed her.

While standing behind her, Officer HAYS patted her arms and wrists. He asked her if she had anything in her pockets that was illegal or sharp. She told him she did not. Officer HAYS put his hand in her jacket pockets to search them. He then put his thumb in the waistband of her sweatpants and ran it around the perimeter. She had no pockets in her sweatpants. Officer HAYS then patted down her legs. He then put his hand under her shirt, pulled out the bottom of her bra and shook it. He felt the inside bra cups with his fingertips. The back of his hand touched her bare breasts but she said it was incidental and she believed it was not intentional. She did not mention anything to the officer about him touching her breasts but she was offended by the way he searched her, and concerned that a female officer was not there during the search.

[REDACTED] said a female officer also searched her at some point during the contact; she could not remember when. She said the female officer searched her over her clothes. [REDACTED] asked Officer HAYS if she could just turn herself in later instead of going to jail, but he would not let her. He transported her to Las Colinas.

She did not report Officer HAYS for touching her bare breasts.

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Civilian Witness Interview: [REDACTED]

On February 7, 2014, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed [REDACTED] in their vehicle at Euclid and Market. The interview was audio recorded. On February 11, 2014, Sex Crimes Detective C. GILMORE #5919, Deputy District Attorney Annette Irving and Victim Advocate [REDACTED] interviewed [REDACTED] in their vehicle at Euclid and Market. This interview was audio recorded.

On June 12, 2013, [REDACTED] called police because she and her boyfriend were fighting. Officer HAYS was one of the officers who came to her house. Her boyfriend was eventually arrested and all the officers left except Officer HAYS. Officer HAYS came into her house with a piece of paper. [REDACTED] was crying and told Officer HAYS she felt bad. She told him she was a nurse. She walked to her bedroom to get her nursing license to show him she was a good person and Officer HAYS followed her. She was expressing to Officer HAYS how much she had been through and that her boyfriend had beat her for a couple of years and she wanted to move on and leave him. She also told him she had gone through breast reconstruction due to lumps in her breasts. [REDACTED] said she was looking for comfort. Officer HAYS appeared sympathetic by listening to her story and told her he was sorry she had gone through that. [REDACTED] told him she appreciated him listening to her. The conversation was over but Officer HAYS did not leave.

[REDACTED] became curious about Officer HAYS' gun. She told Officer HAYS she had never seen a gun before. She asked if she could touch his gun. He said she could so she grabbed his gun quickly and let go. She then asked if she could touch his badge. He let her touch his badge. She then touched his "laser gun" (taser). She asked if he wore a bulletproof vest. He said he did and she poked his chest. She said she was very curious about the police equipment. She said she was not trying to be sexual when asking to touch his gun and badge. They were in her bedroom for about 10 minutes.

[REDACTED] then walked out to the hallway and noticed Officer HAYS was obviously staring at her breasts. [REDACTED] asked him why he was looking at her breasts. [REDACTED] put her arms in front of her breasts. One of her breasts and nipple accidentally came out of the top of the shirt. She did not want Officer HAYS to see her breast. She immediately pulled her shirt up to cover her breast. Officer HAYS smiled and he gave her a hug. She said she put her arms around him too but quickly let go. [REDACTED] did not know if he was being nice or if he just wanted to feel her breasts. [REDACTED] asked Officer HAYS where her boyfriend was. Officer HAYS said he had been arrested.

Officer HAYS then unzipped his pants, pulled his penis and testicles out of his pants and moved it around. It appeared he had an erection. Officer HAYS looked at [REDACTED]. [REDACTED] was shocked and offended that he did that. [REDACTED] pointed at his penis and said, "Oh my God." Officer HAYS walked closer to her. [REDACTED] believed Officer HAYS may have wanted a "blowjob" or for her to touch his penis because why else would he expose his erect penis to her. [REDACTED] never considered doing anything sexual with Officer HAYS. Officer HAYS put his penis back in his pants. [REDACTED] noticed he had on a wedding ring. She told him he was a married man and asked why he would do this to his wife. Officer HAYS said he was married but did not appear concerned with his actions. Officer HAYS said he had to leave and gave her a domestic violence sheet. Before Officer HAYS left, she asked him if he worked in the area

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because she was concerned he would come back. He said he did and he would, "see her around." They had been in the hallway for about 10 minutes before he finally left her house.

██████ was afraid if she reported him he would retaliate and harass her.

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Civilian Witness Interview: [REDACTED]

On February 8, 2014, San Diego County District Attorney Investigator JC SMITH interviewed [REDACTED] in Attorney Dan GILLION'S office, 1300 Columbia Street. Also, present was Deputy District Attorney Fiona KAHLIL. The interview was audio recorded.

Near the end of 2012, around 0130 hours, [REDACTED] said her cousin's car broke down near El Cajon Blvd and Harbinson Avenue. Her cousin left to go get gas while [REDACTED] stayed with the car. Officer HAYS stopped to assist [REDACTED]. He called for a tow truck. Officer HAYS told [REDACTED] that she was drunk [REDACTED] said she had a few drinks but was not drunk) and she was lucky that he could not prove she was driving the car. He told her he could take her to jail for that. Officer HAYS offered [REDACTED] a ride home and she gladly accepted. She felt comfortable accepting the ride. When the tow truck driver arrived and hooked up the car, [REDACTED] got in the front seat of Officer HAYS' police car and he drove her home.

During the drive, Officer HAYS said he would not take her to jail if she would, "go down on him." [REDACTED] did not believe she did anything wrong, but she did not want to go to jail so she agreed to give him oral sex. When they arrived at [REDACTED] house he parked in front on the street. Officer HAYS unzipped his pants and pulled out his penis. [REDACTED] leaned over from the passenger seat and gave Officer HAYS oral sex while sitting in the front seat. Officer HAYS ejaculated in [REDACTED]' mouth. [REDACTED] opened the passenger door and spit it out. She did not notice if any semen got inside the car. Officer HAYS put his penis back in his pants and zipped it up. [REDACTED] got out of the car and went into her house. He did not say anything to her before she left. [REDACTED] estimated she was with Officer HAYS for 30-40 minutes from the time he stopped on El Cajon Blvd to the time she got out of the police car. She said they were only parked in front of her house for four to six minutes. He never searched her.

[REDACTED] did not report Officer HAYS because she did not feel anyone would believe her since she has been arrested before.

Sometime in January 2013, [REDACTED] was arrested for shoplifting at Vons on El Cajon Blvd. Officer HAYS and his police cadet responded. [REDACTED] recognized Officer HAYS from the previous occurrence in November 2012. She thought since she gave him oral sex previously that she would "get away" with the shoplifting charge. Officer HAYS told her she looked familiar and asked [REDACTED] if she was on El Cajon Blvd. She said no, that was not her. Officer HAYS handcuffed her and took her to his police car and put her in the back seat. He told her he was not taking her to jail, but that she would get a citation. She signed the citation and was released, but he forgot to give her the copy of the ticket. Officer HAYS caught up in his police car to her and gave her the copy of the ticket. Officer HAYS left. Officer HAYS did not search her during this incident.

[REDACTED] has had no contact with Officer HAYS since the shoplifting incident.

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Civilian Witness Interview: [REDACTED]

On January 7, 2014, Detective GILMORE #5919 interviewed [REDACTED] at Kmart, 5404 University Avenue. The interview was audio recorded.

[REDACTED] told me she works as a store associate for K-Mart. She told me she was working on the night of November 10th and remembered helping [REDACTED] with a shoplifter.

[REDACTED] said that her role was mainly to be a witness for the loss prevention officers as they do their jobs.

[REDACTED] told me she remembered this particular incident because the female was brought into the loss prevention office and was not in handcuffs. [REDACTED] told me she was sitting at a table near the female and [REDACTED] was writing his report and calling for the police to be called. [REDACTED] remembered that the female became upset that he was calling the police on her.

[REDACTED] said while [REDACTED] was not looking; the female grabbed something from the area of her bra and tried to hand it to her. [REDACTED] said the items looked like a small piece of crumpled up paper that was maybe an inch long. [REDACTED] told me the female asked her to throw this item away because she didn't want to be, "caught with it."

[REDACTED] told me she told her she would not do that and [REDACTED] thought she put it back into her bra area or somewhere near there, but she wasn't exactly sure where.

I asked [REDACTED] what she thought the items was and she told me she wasn't sure at first but when she told her to throw it away because she didn't want to be caught with it, she then believed it was drugs of some sort.

[REDACTED] said that a short time later, the officer showed up and she walked out because she was on overtime and had to clock out. [REDACTED] said before she left she spoke with [REDACTED] away from the officer and the female and told him what had happened and she thought the lady had drugs on her or stuffed into her bra.

[REDACTED] was not sure if [REDACTED] told the officer or not because she left and went home for the night. [REDACTED] did not see the officer pat down or search the female, nor did she see her being escorted out of the store to the parking lot.

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Civilian Witness Interview: [REDACTED]

On January 8, 2014, Detective GILMORE #5919 interviewed [REDACTED] at his residence. The interview was audio recorded.

[REDACTED] told me he remembered the shoplifting incident when he detained [REDACTED] on November 10th, 2013. [REDACTED] told me he is a loss prevention officer for K-Mart Store and works at 5405 University Avenue.

[REDACTED] told me he stopped [REDACTED] outside the store for shoplifting and she told him he would have to fight her to stop her, but [REDACTED] said he was able to convince her not to do that in front of her kid. [REDACTED] said [REDACTED] complied and went back into the store with him and into the Loss Prevention Office.

[REDACTED] told me that a female store associate ([REDACTED]) came into the office with him to be a witness for him. [REDACTED] told me that [REDACTED] was not handcuffed and was seated on a bench inside the office.

[REDACTED] told me that later on [REDACTED] had told him that [REDACTED] had tried to hand her something from her bra area and she thought it might be drugs of some kind. [REDACTED] told me he also informed the San Diego Police Officer who came to take custody of the female.

[REDACTED] told me when he detained [REDACTED] it was approximately 9:45pm and the store was closing at 10:00pm. [REDACTED] told me that [REDACTED] had a shopping cart with some food items she was concerned about and asked to call someone to come and get it.

[REDACTED] said the officer arrived a little bit after 10:00pm and [REDACTED] told me he briefed the officer on what had occurred.

[REDACTED] told me at one point after the officer arrived he watched and observed as the officer patted down and searched [REDACTED]. [REDACTED] told me he believed that the officer had handcuffed [REDACTED] behind her back and then conducted the pat down and search of [REDACTED].

[REDACTED] told me he is a former Correctional Officer and has done numerous pat downs on both males and females. [REDACTED] told me he was standing a little behind the officer and [REDACTED] was in front of the officer.

[REDACTED] said that just before the officer patted down and searched [REDACTED], Ms. [REDACTED] had to leave because she was on overtime, so at that point [REDACTED] (He could not remember her last name), the night manager came in and observed as well. I later identified [REDACTED] as [REDACTED], K-Mart night manager).

[REDACTED] told me [REDACTED] was standing off to the side of the officer and [REDACTED] while he stood a few feet behind. [REDACTED] said he remembered that the officer told [REDACTED] he was going to search her for

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weapons and contraband. [REDACTED] remembered the officer explain in detail to both [REDACTED] and [REDACTED] what he was going to do as he was patting her down and searching her.

[REDACTED] said he heard the officer say to both [REDACTED] and [REDACTED] "that it was procedure to use the blade of his hand to check the area between the breasts and the back of his hands to check underneath the breasts. [REDACTED] said that he saw the officer just pat at her pockets. [REDACTED] said he did not recall the officer going inside her pockets or reach inside the bra.

[REDACTED] said he did not see if the officer grabbed the underwire of [REDACTED] bra and pull it away from her body and shake it to see if anything fell out. [REDACTED] said he was standing behind them during this and his view was blocked.

[REDACTED] told me that the pat down only took about 20 seconds and that nothing seemed out of the ordinary. [REDACTED] told me the officer was very professional and explained it very thoroughly and [REDACTED] didn't have an issue with it.

[REDACTED] said that [REDACTED] was being semi-cooperative with the officer and he remembered the officer asking [REDACTED], before the pat down, if she had any drugs on her and [REDACTED] said he remembered her telling the officer, "No."

[REDACTED] said that [REDACTED] asked if she could make a phone call to tell her family what was going on and get someone to come get the food items she had. [REDACTED] said the officer asked him if she could make a call and [REDACTED] was allowed to make a call. [REDACTED] said the officer un-handcuffed her and let her make the call.

[REDACTED] said after the call was made he believed the officer handcuffed [REDACTED] again and all of them walked to the front of the store. [REDACTED] told me it was the officer, [REDACTED], "[REDACTED]" and himself who went to the front of the store.

[REDACTED] said the officer was parked right out in front of the store and he saw the officer put [REDACTED] in the backseat of the patrol car. [REDACTED] said the officer was in one of the new SUV vehicles.

[REDACTED] said the time was 23:45 hours when they were outside. [REDACTED] said he waited for the case information from the officer and he stood by with [REDACTED] food to see if someone would come and get it. [REDACTED] said he remembered telling the officer he had to leave and at that time no one had come to get the food. [REDACTED] said the officer told him that if no one came to get the food he would just leave it in the shopping cart and take her off to jail.

[REDACTED] said no one came to get the food and he had to leave. [REDACTED] said when he left the officer was still there and he did not see any other officers or persons around.

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Witness Officer Interview: Captain Phillip JARVIS #3663

On January 2, 2014, Sex Crimes Detective C. GILMORE #5919 interviewed Captain P. JARVIS #3663 in the San Diego Police Department's Sex Crimes Unit. The interview was audio recorded.

On December 27, 2013, Captain JARVIS called Officer HAYS and notified him that his police powers were being taken from him and he was being suspended because of a pending investigation. Officer HAYS became distraught and started sobbing. He had trouble speaking and asked why this was happening. Captain JARVIS told him it was a serious allegation. Officer HAYS said, "If I just quit right now will this all go away?" Captain JARVIS told him it would not.

Captain JARVIS had Lieutenant NOVAK drive to Officer HAYS' house to bring him back to Mid-City so he could turn in his police equipment. When he arrived at Mid-City, Officer HAYS was very calm but concerned. Officer HAYS turned in his equipment, was served with his suspension paperwork and was driven back home.

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Approved by:  Date of Report: May 13, 2014

Witness Officer Interview: Officer Bernadette YEE #6631

On February 06, 2014, at 0810 hours, I interviewed Officer YEE in my Department vehicle in the parking lot of Qualcomm Stadium. Sergeant BASSETT was present for the interview. The interview was audio recorded.

Officer YEE said she recalled responding to the 7-11 located at University and Winona on August 02, 2012, at about 0900 hours, to cover Officer HAYS. Officer YEE said she responded to conduct a search of a female that Officer HAYS had detained. The female had a warrant. Officer YEE could not recall if Officer HAYS requested a female officer or if she responded on her own.

Officer YEE could not recall where Officer HAYS' vehicle was parked when she arrived. She also could not remember where Officer HAYS and [REDACTED] were standing when she arrived.

Prior to the interview, I showed Officer YEE two photographs of [REDACTED]. Officer YEE said she recalled [REDACTED] from the incident and said she is familiar with [REDACTED] because she walks around in the area of Beat 826.

Officer YEE said [REDACTED] was already handcuffed when she came to the scene. Officer YEE said Officer HAYS requested a female search because [REDACTED] had a warrant and he was going to take her to jail. Officer YEE did not recall if Officer HAYS mentioned anything to her about him having patted down [REDACTED].

Officer YEE said she performed a quadrant search of [REDACTED] as had been taught to her in the academy. She said she started at [REDACTED]' head and mouth area, then [REDACTED]' chest and bra area including pulling on [REDACTED]' bra from the outside of her clothing, and then down to the front and back of [REDACTED]' legs. Officer YEE said she did not lift up [REDACTED]' shirt when conducting the search. She said she did feel (from the outside of [REDACTED] shirt) under the underwire of [REDACTED]' bra and into the cups of the bra. Officer YEE did not find any contraband during her search of [REDACTED]. She said there would have been no skin to skin contact between her and [REDACTED].

Officer YEE said her usual method for searching someone's waistband area was to try to stick her gloved hand into the waistband area and feel around.

Officer YEE said she did not witness Officer HAYS search or pat down [REDACTED]. She said she did not recall having a conversation with [REDACTED], but said she usually will talk to the person she is searching to keep their mind off the search. She did not recall [REDACTED] making mention of Officer HAYS having already searched her or patted her down.

I ordered Officer YEE not to discuss the case and investigation with anyone.

The interview concluded at 0815 hours.

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Approved by: [REDACTED] Date of Report: May 13, 2014

Witness Officer Interview: Sergeant Craig EVANS #5483

On February 6, 2014, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed Sergeant Craig EVANS #5483. The interview was audio recorded.

On June 13, 2013, Sergeant EVANS (he was an acting sergeant at the time), Officer HAYS and other officers responded to a domestic violence call at [REDACTED] residence. Sergeant EVANS noted that [REDACTED] had on a loose, sheer bathrobe and it was obvious she was not wearing a bra. [REDACTED] was told several times by officers to cover herself so she would not expose her breasts. [REDACTED] boyfriend was eventually arrested for domestic violence. Sergeant EVANS told Officer HAYS to obtain a case number and provide [REDACTED] with the domestic violence paperwork. He told Officer HAYS to return to Mid-City to complete the report and have it approved since it was nearing the end of the shift. All the officers except Officer HAYS left [REDACTED] residence. When Sergeant EVANS left, Officer HAYS was in his car obtaining a case number.

When Officer HAYS returned to the station about 45 minutes later, he told Sergeant EVANS that [REDACTED] grabbed his genitals when he went back into her house to provide her with the paperwork. Officer HAYS said when he went into her house, [REDACTED] was crying and telling him she had breast cancer. [REDACTED] pulled out one of her breasts and showed him. Officer HAYS told her to cover herself, that he did not want to see that. Officer HAYS patted her on the shoulder and told her it would be okay. [REDACTED] started to caress Officer HAYS' arm in a "sexual manner." Officer HAYS said [REDACTED] stood up to try to hug him and at the same time grabbed his genital area with her hand. Officer HAYS said he stepped back and told [REDACTED] not to do that. Officer HAYS gave [REDACTED] the domestic violence paperwork and left.

Sergeant EVANS relayed Officer HAYS' story to Lieutenant BROWN. She told him to have Officer HAYS write a report as to what happened and give that report to Officer HAYS' sergeant (Sergeant MCKEAN). Lieutenant BROWN said not to submit the incident report with the domestic violence report. Sergeant EVANS explained to Officer HAYS to write an incident report and give it to Sergeant MCKEAN. The next day Sergeant EVANS relayed this information to Sergeant MCKEAN.

Today, when the news broke about Officer HAYS, Sergeant EVANS asked Sergeant MCKEAN if the domestic violence victim ([REDACTED]) was one of the victims. Sergeant MCKEAN said she had forgotten about Officer HAYS' incident report. She went to her desk and retrieved the report and took it to her lieutenant.

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Approved by: [REDACTED] Date of Report: May 13, 2014

Witness Officer Interview: Sergeant Lisa MCKEAN #5931

On February 6, 2014, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Sergeant M. DOBBS #5228 interviewed Sergeant Lisa MCKEAN #5931 in the Mid-City investigator's line up room. The interview was recorded.

Today, when the news of the incidents involving Officer HAYS broke, she recalled an incident involving Officer HAYS. On a previous occasion, she was provided an incident report written by Officer HAYS alleging he was inappropriately touched by a domestic violence victim. She was not working on the day of the incident and was notified about it the following day.

Officer HAYS told her his account of what happened, which was almost verbatim what he wrote in the incident report. He said he was investigating a domestic violence and at the end of the call he was alone providing the victim with paperwork when she touched his genital area.



Sergeant MCKEAN was instructed by Lieutenant BROWN that Officer HAYS' incident report was not to be included with domestic violence report. Sergeant MCKEAN filed Officer HAYS' incident report in her desk in case the domestic violence victim came forward with a complaint. She said Officer HAYS did not want to be a victim of sexual battery.

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Witness Officer Interview: Officer Brian KASHOUTY #7044

On January 31, 2014, Sex Crimes Detective C. GILMORE #5919 and Sex Crimes Detective Sergeant M. DOBBS #5228 interviewed Officer B. KASHOUTY #7044 in the Sex Crimes office. The interview was audio recorded.

On the night which he believed Officer HAYS is being investigated for, he recalled Officer HAYS went out on a courtesy transport in the area of 7200 El Cajon Blvd. Officer KASHOUTY did not think anything of it and went out on a stop at 6300 University. Officer HAYS later showed up to cover him. After he finished up with the stop, he asked Officer HAYS what happened on his courtesy transport. Officer HAYS put his head down and shook his head. He was hesitant and appeared remorseful. He recalled Officer HAYS said something like, "Man, that just went kinda bad." Officer HAYS then possibly said the person he gave the transport to was going to file a complaint. Officer KASHOUTY did not ask any questions of Officer HAYS and Officer HAYS did not elaborate.

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Subject Officer Interview: Officer Christopher HAYS #6822

On January 29, 2014, at 1259 hours, I interviewed Officer HAYS in the Internal Affairs interview room. Attorney Rick PINKCARD was present as Officer HAYS' employee representative. Internal Affairs Sergeant Tina BASSETT was also present. The interview was recorded.

I read Officer HAYS the Administrative Admonishment, advised him of the nature of the complaint and ordered him to answer my questions.

Contact with [REDACTED]

Officer HAYS told me that he recalled contacting [REDACTED] and [REDACTED] on December 23, 2013, at 2335 hours, in the 7000 block of El Cajon Boulevard. Officer HAYS identified [REDACTED] and [REDACTED] from two DMV photographs I showed him. Officer HAYS said he contacted them because when he drove by he could hear [REDACTED] talking loudly while the two of them were standing on the north curb line. Officer HAYS said he did not see any physical contact between [REDACTED] and [REDACTED] before he stopped to talk with them.

When he contacted them, [REDACTED] told Officer HAYS that they were having an argument because [REDACTED] believed he was cheating on her. When Officer HAYS asked [REDACTED] why [REDACTED] was crying he told him, "Because I spanked her." When Officer HAYS asked [REDACTED] to explain the spank he told him it was a "tap on the butt." [REDACTED] then took his hand back like he was going to demonstrate the spank. Officer HAYS then grabbed hold of [REDACTED] and pulled him to the side. When asked, [REDACTED] indicated he might be a 4th waiver. [REDACTED] also gave Officer HAYS consent to search him.

During the search, Officer HAYS located a small pink can of pepper spray in [REDACTED] possession. [REDACTED] identified the pepper spray as belonging to [REDACTED]. Officer HAYS placed the can of pepper spray on top of his vehicle. By this time Officer HAYS had learned that [REDACTED] and [REDACTED] were dating. Officer HAYS then asked [REDACTED] to have a seat in his vehicle. Officer HAYS handcuffed [REDACTED] and sat him in the back of his patrol SUV.

Officer HAYS said he put on a pair of black latex gloves for his search of [REDACTED].

When Officer HAYS first tried to speak with [REDACTED] she would not speak about the incident. Officer HAYS said he could tell that [REDACTED] was favoring one of her feet and she smelled like alcohol. He asked her to walk closer to his vehicle so she could lean on the SUV. He assisted her in moving closer to the patrol vehicle. After some time, Officer HAYS said [REDACTED] indicated "nothing" had happened. When Officer HAYS specifically asked about the spank, [REDACTED] told him it was more of a "love tap." When asked, [REDACTED] said she was not scared of [REDACTED]. [REDACTED] admitted she had been in an argument with [REDACTED] but stated she was crying because she had rolled her ankle.

[REDACTED] told Officer HAYS her next plan was to go to 7-11 to get cigarettes and alcohol. Officer HAYS told her he did not think that was a good idea.

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Officer HAYS described [REDACTED] as being intoxicated but not to the point that she could not communicate or she did not know where she was or who she was with.

Soon thereafter, Officer HAYS' sergeant (Lisa MCKEAN) drove by and stopped. Officer HAYS told her (by voice and using his hands) that the two people were intoxicated, that he is going to separate them, and transport them home. Officer HAYS told me Sergeant MCKEAN only stayed for a minute and she never got out of her vehicle. Officer HAYS did not call for a cover unit during this incident and at no time did he feel like he needed a cover unit.

Officer HAYS said based on [REDACTED] statement he no longer believed a domestic violence incident had taken place.

Officer HAYS said it was his decision to separate [REDACTED] and [REDACTED], and to give [REDACTED] a ride home. Officer HAYS said he first mentioned this plan to [REDACTED] and she said, "Ok." He did not know if she understood. Officer HAYS told [REDACTED] that he felt it was best he and [REDACTED] not be together because if the police had to come back out then someone might have to go to jail. [REDACTED] agreed to leave. [REDACTED] told Officer HAYS he did not think he had enough money to take the trolley home. Officer HAYS told him he would help him out by giving him a few dollars. Officer HAYS took a five dollar bill from his wallet and asked [REDACTED] if that would be enough. [REDACTED] said that would be enough, then for some reason changed his mind and said he had enough money. Officer HAYS did not give [REDACTED] the money. [REDACTED] walked off after his handcuffs were removed. Officer HAYS said he offered money to [REDACTED] because he wanted to make sure he got home safely. Officer HAYS could not recall specifically if there was any discussion that the trolley might no longer be running. Officer HAYS said he was sure that he never gave [REDACTED] any money.

Officer HAYS said he never told [REDACTED] he would arrest him if he saw him in the area again. [REDACTED] walked off after his handcuffs were removed. According to Officer HAYS, [REDACTED] did not voice any objections to being separated from [REDACTED] before [REDACTED] walked off.

Once [REDACTED] was gone, Officer HAYS had another discussion about where [REDACTED] was intending to go to. She said she wanted to go to 7-11. He then asked her where she lived and she said it was only about three blocks away. Officer HAYS said he offered [REDACTED] a ride home because the area she was in has a lot of crime problems. He had to offer a couple of times before she accepted.

Officer HAYS said he walked [REDACTED] over to the vehicle and then remembered that no one goes in the police vehicle without being patted down for weapons. After receiving permission from [REDACTED] to go through her purse, Officer HAYS looked through the purse and then put both the pepper spray and the purse in the front seat.

Officer HAYS then asked for and received permission from [REDACTED] to pat her down. Officer HAYS said he explained to [REDACTED] that he was going to use the back of his hand to pat her down per Department policy. Officer HAYS said he always explains this to people and then asks if they have any objections. Officer HAYS then demonstrated on himself by moving his hand underneath his breasts from one side to the other. He then moved his hands to his arms, down his sides, feels the pockets of her

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pants, and then puts the back of his fingers into her pockets to make sure he did not miss anything. He said he did this on all four of [REDACTED] pants pockets. He then moved his hands down her legs. This was the process he used to pat down [REDACTED]. After completing the pat down, he asked [REDACTED] to sit in his patrol vehicle.

Officer HAYS said he conducts all of his pat downs the same way and the time it takes to conduct one of these pat downs he described as "seconds." He said this is the process that was taught to him in the academy.

Sergeant BASSETT then asked Officer HAYS if he only moves his hand underneath the breasts of the person he is patting down. After thinking for a bit and using his hands to try and recall, Officer HAYS said he also wipes his hand across the female's chest above their breasts (above the nipple line).

Officer HAYS said at no time did he ask [REDACTED] to pull her bra away from her body and shake her bra to make sure nothing fell out. Officer HAYS said he has never asked a female to shake out her bra. He did recall an instance where he was with a female officer who asked a female detainee to shake out her bra.

Once [REDACTED] was seated in the police vehicle, Officer HAYS asked for her exact address which she provided to him. I asked him if her address was [REDACTED] and he said that sounded correct. By this time Officer HAYS said he had obtained [REDACTED] driver's license from her. He said he performed a records check on both [REDACTED] and [REDACTED]. Officer HAYS said he put her driver's license back in her purse before they left the scene.

Officer HAYS said he then drove [REDACTED] home. They went directly to her residence and did not make any stops along the way. The driving time was only a couple of minutes and Officer HAYS aired his starting and ending mileage. During the drive, Officer HAYS said he asked [REDACTED] if she had a roommate at home. She told him she did. Officer HAYS said he never asked [REDACTED] if she lived alone. He told me if she had lived alone he probably would not have driven her home. He told me he would probably have called his sergeant for additional advice.

Officer HAYS was asked about [REDACTED] level of intoxication. Officer HAYS said, "She'd probably meet the criteria for 647f or Detox." When asked why he did not take her to Detox or jail, Officer HAYS said, "I wasn't feeling like taking any of 'em to jail that night, her or her boyfriend. So I was - to me, I was trying to be nice and courteous to people that night."

When questioned further, Officer HAYS said he actually asked about [REDACTED] roommate situation before they even started driving. He wanted to be able to tell the roommate what situation [REDACTED] had just been involved in and make sure [REDACTED] was safe.

After parking on [REDACTED], Officer HAYS said he made sure with [REDACTED] that they were at the right house. He then exited the vehicle and opened the door to allow [REDACTED] to get out. Officer HAYS then assisted [REDACTED] with getting out of the vehicle. He retrieved her purse from the front seat and allowed her to carry her own purse. Officer HAYS then followed [REDACTED] to the front gate of her complex. She fumbled and dropped her keys. After picking up the keys she was able to open

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the gate. Officer HAYS asked if she needed further assistance and [REDACTED] replied, "Yes please." After getting through the gate, Officer HAYS said it took a while to get to the front door because [REDACTED] was still favoring her injured ankle.

After a couple of attempts [REDACTED] was able to open the front door to her apartment. As soon as the door opened, Officer HAYS said he noticed the lights inside the apartment were off. Officer HAYS said he asked [REDACTED] where her roommate was and she said, "In here. You can come in." [REDACTED] then stepped inside the apartment and nearly fell. Officer HAYS said he grabbed hold of [REDACTED] to keep her from falling. This caused him to step into the apartment. He again asked where [REDACTED] roommate was. Officer HAYS stated he was then led to a rear room where there was a light on. He said this was a bedroom. As Officer HAYS walked into the room, he noticed no one else was in the room. He immediately left the room (after six or seven seconds) and started walking towards the kitchen. [REDACTED] followed Officer HAYS and began insisting that he take cookies.

I asked Officer HAYS if [REDACTED] was flirting with him while they were in the bedroom. He said he did not know what I meant by flirting. I asked him what she was talking to him about while they were in the bedroom. He said she spoke very little. During the time they were in the bedroom, Officer HAYS said he wasn't standing more than a couple of feet from [REDACTED].

Officer HAYS told me that while they were in the bedroom he did not direct [REDACTED] to put on her pajamas, nor did she put on her pajamas. Officer HAYS also denied telling [REDACTED] to shake out her bra while they were in the bedroom. He said he did not tell [REDACTED] that he needed to pat her down again. Officer HAYS said he did not conduct any type of search of [REDACTED] while they were in her residence. He said she did not expose her breasts to him at any time while they were in her apartment. Officer HAYS said he did not have an erection while he was at [REDACTED] residence. He also said he did not get close to [REDACTED] at one point, thrust his hips forward, and tell [REDACTED], "Touch it." He told me he did not find [REDACTED] attractive.

While [REDACTED] was gathering cookies for Officer HAYS (according to Officer HAYS she never offered cookies for his family) she took a bottle of wine from the refrigerator and asked Officer HAYS, "Should I?" Officer HAYS asked again to see [REDACTED] roommate. By this time Officer HAYS estimated he had been in the apartment for five minutes. Sergeant BASSETT then asked Officer HAYS why he was so insistent on speaking with [REDACTED] roommate. He said [REDACTED] had just been involved in an argument with her boyfriend and she was intoxicated, so he wanted to be able to put the onus of taking care of her on someone else (place [REDACTED] in their care and custody). I reminded Officer HAYS that he can't give a person over eighteen years old to someone else and expect them to take care of the person like they were their parent. Officer HAYS agreed.

By the time they had made it to the kitchen, Officer HAYS said he had not seen a roommate and he had not turned on any lights. Officer HAYS said [REDACTED] had turned on a couple of lights in the kitchen.

Shortly after [REDACTED] took the bottle of wine from the refrigerator, Officer HAYS asked again if he could speak to her roommate. It was then that Officer HAYS heard someone stirring in the living room. [REDACTED] walked over to the person and said, "Hey. There's an officer in the house."

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Officer HAYS then identified himself and explained why he was there. He told me the roommate was actively involved in the conversation with him. He could see the roommate sitting on a couch. Officer HAYS asked the roommate if she was good with [REDACTED] and she replied, "Yes." Officer HAYS said his discussion with the roommate was "not long at all." I asked Officer HAYS to describe the roommate and he said he could only tell from her voice that she was female. He could not describe anything else about her because he said the living room was still dark and the roommate had covers over her. I showed Officer HAYS a photograph of [REDACTED]. He could not identify her as [REDACTED] roommate.

While inside the residence, Officer HAYS said he never uttered the phrase, "I thought you lived alone." Officer HAYS said [REDACTED] led him to her bedroom; he did not ask her where her bedroom was. Officer HAYS said he believed he was still wearing his latex gloves while he was in [REDACTED] residence but he was unable to explain why.

Officer HAYS estimated that he was inside [REDACTED] residence for ten to fifteen minutes. I told him based on the story he had told me to that point, I could not see how this added up to ten to fifteen minutes. Officer HAYS said the majority of the time he spent in the residence revolved around the cookie situation. He refused the cookies numerous times but [REDACTED] was very insistent.

I asked Officer HAYS what caused him to leave. He said after he explained to [REDACTED] roommate what had happened and why he was there, he left the apartment. Officer HAYS denied making any statement that he was going to come back, and said he had no plans on returning.

Officer HAYS told me he recalled a burglary hot call at the Alpha Video being dispatched shortly after he arrived at [REDACTED] residence. Officer HAYS said he volunteered for that call over the air. He was inside [REDACTED] apartment talking with her roommate at the time the call was put out over the radio. He recalled Sergeant MCKEAN airing that there were three suspects in the business and they were going to "take them down."

After completing his discussion with [REDACTED] roommate, Officer HAYS said he walked out of the apartment. [REDACTED] then walked out of the apartment behind him. Officer HAYS said he tried to get her to go back in the house. He told her he had another call to go to. [REDACTED] told him, "You have my number. You can call me." Officer HAYS said he told [REDACTED] to go back in her house or he would arrest her for being drunk in public. After she went back to her apartment, Officer HAYS said he walked out to his car and left for the other call. He estimated his discussion with [REDACTED] outside took approximately one minute.

Sergeant BASSETT asked Officer HAYS what happened during this incident that would make [REDACTED] feel so safe in telling him to call her. He replied that he did not know why, but it annoyed him. When asked why he was annoyed, he said he just wanted to be done, go home, and see his family. Up until [REDACTED] said to call her, Officer HAYS said everything was very professional.

I pointed out to Officer HAYS that, according to CAD, he was cleared from the burglary hot call three minutes after he volunteered. He said he did not know why that happened and was unaware that it had occurred until he arrived at the scene. He said it was his intent all along to go to the call.

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I told Officer HAYS that he volunteered for the call at 0002 hours. I asked him given that time what time did he think he left for the hot call. He told me he did not know. I then asked him how long after he volunteered for the call did he think it took him to start driving to the hot call. He said it was three or four minutes. PINKCARD then asked Officer HAYS if he was any good at estimating time. Officer HAYS said, "No sir." I asked Officer HAYS if he thought it was a short or long period of time before he left for the call. He said it was a shorter period of time rather than a longer period of time.

While standing in the walkway talking to [REDACTED], Officer HAYS said he heard crime broadcast information regarding a suspect vehicle from the hot call.

I told Officer HAYS that AVL showed he did not leave [REDACTED] residence until 0019 hours, which was seventeen minutes after he volunteered to go to the call. I asked him if it was correct that he did not leave for seventeen minutes that would be very different than his original estimate of three to four minutes. He agreed. He also agreed that with a hot call an officer would want to leave for the call after only a couple of minutes rather than seventeen minutes. Officer HAYS said he had no explanation for why it took him seventeen minutes to leave [REDACTED] residence. In his opinion, seventeen minutes was an excessive amount of time to leave [REDACTED] residence if the AVL information is accurate.

Sergeant BASSETT asked Officer HAYS if it was more important, at that time, for him to talk to the roommate than to go to the hot call. He said it was because he needed to clarify why he was there and he needed to explain everything to the roommate.

PINKCARD asked Officer HAYS to clarify the statement he made about the ten to fifteen minutes he spent inside the residence. Officer HAYS stated the ten to fifteen minutes was from the time he parked at the curb until the time he returned to his vehicle.

Officer HAYS said he did not complete any type of paperwork to document the incident between [REDACTED] and [REDACTED]. He said he did not complete a domestic violence report because [REDACTED] did not express a fear of [REDACTED] nor did anything else happen except for [REDACTED] spanking [REDACTED]. Officer HAYS admitted that he detained [REDACTED] by handcuffing him and placing him in his police vehicle. Officer HAYS said he did not complete a detention report of [REDACTED], but he did write his name down on a field interview pad. He could not recall if he wrote down [REDACTED] information on a specific field interview slip and turned that slip in.

I asked Officer HAYS what the minimum required documentation is for a detention. He told me it would be a field interview.

Contact with [REDACTED]

I asked Officer HAYS if he contacted [REDACTED] on December 23, 2013, at 0512 hours near 50th and El Cajon Boulevard. He looked confused. I showed him a photograph of [REDACTED]. He said he did not recognize her. I then showed him a copy of a CAD incident printout that showed he gave her a courtesy ride. He said, "I do remember now." Officer HAYS said he contacted her because she was loitering in a high prostitution area and she appeared to be crying.

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The next few questions I asked Officer HAYS about [REDACTED] seemed to confuse him and made him think we were talking about someone different. It was not until I mentioned that he drove her to the area of Menlo and Wightman that Officer HAYS indicated that he remembered their contact.

Officer HAYS said [REDACTED] had bags with her when he contacted her. He did not know what was in the bags but assumed they were probably cans since [REDACTED] is a "canner." Officer HAYS recalled that [REDACTED] had told him that she was upset because she had lost her eyeglasses and her flashlight was not working.

When Officer HAYS first contacted [REDACTED] he said she was very fidgety. He said because she was out "canning" that would be an indication she might be under the influence of drugs. Officer HAYS did not conduct any type of field evaluation to see if [REDACTED] was under the influence of drugs. He told me they did not talk about [REDACTED] drug use until after he dropped her off at her residence. When he did inquire, she told him she had used meth earlier that day. Sergeant BASSETT asked Officer HAYS why he did not conduct a drug influence evaluation on [REDACTED]. He said, "I didn't feel it warranted one because she was at home now." Officer HAYS also admitted that he does not like doing drug influence evaluations even though he understands that is part of his job responsibilities, there is a direct correlation between criminal activity and drug use, and the Department wants him to make 11550 H&S arrests. Officer HAYS also admitted that just because he gave her a ride home does not mean [REDACTED] was free to walk away if she was, in fact, under the influence of drugs.

Officer HAYS said he could not remember if he conducted a records check of [REDACTED] before he drove her home. He also could not recall if he obtained any form of identification from [REDACTED]. He said he was sure he had completed a field interview of [REDACTED], but said he may have just put the field interview in his bag instead of submitting it. Officer HAYS agreed that all completed field interviews are supposed to be submitted. He said he has not had a chance to turn the slip in because he was taken out of the field while he was on days off after this incident.

Officer HAYS said he spent a few minutes speaking to [REDACTED] at the location where he contacted her. It was clear to him that [REDACTED] was lost and unable to find her way home. Officer HAYS offered to give [REDACTED] a ride which [REDACTED] accepted. Officer HAYS said he conducted a pat down of [REDACTED] before he drove her home. When I asked him if he was sure he said he was not absolutely sure but that his normal method of operation includes a pat down of anyone getting inside his vehicle. I asked him if he specifically remembered patting [REDACTED] down and he replied, "I do not."

Officer HAYS said he drove [REDACTED] to the intersection of Menlo and Wightman, at which point [REDACTED] directed a little further south on Menlo. Officer HAYS said he aired his transport over the radio. I told Officer HAYS that GPS showed it took him six minutes to drive [REDACTED] from El Cajon Boulevard to her residence on Menlo. He agreed that would be an accurate amount of time.

After arriving at the residence, Officer HAYS said he got out of his vehicle and opened the door to let [REDACTED] out. The two of them then walked over to the driveway of [REDACTED] residence where they struck up a conversation.

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I asked Officer HAYS if [REDACTED] had a cell phone. He said he did not know, but he never saw her use a phone.

The majority of the conversation between [REDACTED] and Officer HAYS centered on [REDACTED] drug use. [REDACTED] also mentioned to Officer HAYS that she had an abusive ex-boyfriend (Vietnamese male) who lived in the canyon. I asked Officer HAYS if this would have been a good time to conduct a drug influence evaluation since their conversation was based on [REDACTED] drug habits. He admitted that it would have been a good time.

Officer HAYS said he talked to [REDACTED] for an extended period of time because he wanted to get to know her. He said those conversations can give you insight into why people do the things they do. He said this is the reason he became a cop. To understand people and be able to help them not do the things (bad) they are doing. I asked Officer HAYS how he was going to be able to help [REDACTED] by talking to her. He replied, "First of all, not send her to jail." I asked Officer HAYS if arresting someone and having courts mandate treatment or drug classes for them could be a means for helping them. He replied that it could be.

Officer HAYS said he got the feeling that [REDACTED] has never had anyone listen to her and tell her what is going to happen if she continues to abuse drugs. [REDACTED] told Officer HAYS that she has wanted to get clean. He told her that she needed to enroll herself in a program to get help.

Officer HAYS estimated he was talking to [REDACTED] in her driveway for twenty to thirty minutes. I showed Officer HAYS a photograph of [REDACTED]. He said it appeared to be the residence he spoke to [REDACTED] in front of.

During his conversation with [REDACTED] at the [REDACTED] address, Officer HAYS asked [REDACTED] if she was on probation or parole. She indicated to him that she was not on probation. He also asked her if she had anything illegal on her and if he could search her. [REDACTED] told him, "If you want to you can." Officer HAYS said this portion of the event occurred ten to fifteen minutes after they arrived at [REDACTED] residence. Officer HAYS said he also asked to search the bags [REDACTED] was carrying and she said no. Officer HAYS said he did a brief pat down of [REDACTED] because he said it did not appear she had any places on her body that could conceal anything illegal. Before the search, Officer HAYS said he told [REDACTED] she did not have to allow him to search her.

Officer HAYS said the only thing he could recall that [REDACTED] was wearing was two jackets. He said he conducted a search of the jackets by putting his hands in the jacket pockets.

I asked Officer HAYS how he searched [REDACTED]. He stated that he was positioned off to her side and slightly behind her (almost in a "T" position). Officer HAYS said he was holding [REDACTED] hands behind her back in a controlling position (although he said he was holding her hands lightly). He told me [REDACTED] first took off her jackets and he searched those. He then asked [REDACTED] again if he could search her and she agreed. He then told [REDACTED] he was going to use the back of his hand to search her. He first ran his hand around her waist, then down both legs, then back to her waistline, followed by [REDACTED] back, and finally a quick swipe across [REDACTED] chest (he demonstrated all of these maneuvers) with his left hand.

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(His demonstration of the swipe across the chest was directly across his own nipple line.)

Sergeant BASSETT asked Officer HAYS to be specific about where on [REDACTED] chest he swiped his hand across. Officer HAYS said, in his opinion, [REDACTED] did not really have breasts. He then clarified that she did not have big breasts. Officer HAYS said he could not be sure if [REDACTED] had a bra on but his feeling was that she did not. He told me he was wearing black latex gloves during the search. Officer HAYS described his hand swipe across [REDACTED] chest as quick. He said his hand definitely did not linger on [REDACTED] chest.

I asked Officer HAYS if he searched [REDACTED] groin area. He said he used the back of his hand but he did not come all the way up the inside of her leg to her vaginal area.

Officer HAYS said he does not "pat" while doing a pat down or search. He said he slides his hand across those areas he wishes to check.

Officer HAYS said his pat down was for the purpose of seeing if [REDACTED] was in possession of narcotics. He said he was listening more than feeling during the pat down, especially for the sound of a plastic baggie which would indicate the presence of narcotics.

Officer HAYS agreed that his conversation with [REDACTED] regarding narcotics as well as his pat down/search of her would have been better performed at the original contact location.

I asked Officer HAYS why he was now searching [REDACTED] at her residence with the intent on possibly finding something to put her in jail when he originally said he just wanted to help her. He told me when he was originally speaking with [REDACTED] she was upset about what was happening that night. The more he spoke to her, the more he discovered [REDACTED] had a history of drug abuse. That changed his mind to thinking that if she had narcotics on her this would be an easy felony arrest. Officer HAYS said he did that as a way of correcting what he should have done to begin with.

Officer HAYS said he would have been willing to let [REDACTED] walk away even if she was possibly under the influence of drugs but he was not willing to let someone walk away who was in possession of narcotics.

Officer HAYS said he vocalized the same search technique to [REDACTED] that he vocalized to [REDACTED] during his pat down of her. Officer HAYS said he also explained to [REDACTED] that female officers use the front of their hands during their searches and are allowed to "do more" than male officers. Officer HAYS said he did not demonstrate both male and female search techniques to [REDACTED], but he did explain those differences verbally. Sergeant BASSETT asked Officer HAYS why he gives an explanation. He said so that the people he searches understand why he does things a certain way. Officer HAYS said he told [REDACTED] the same thing he told [REDACTED] about female officers being able to use the front of their hands. Officer HAYS said this is his standard speech to people (females) about searching.

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Officer HAYS said he did not tell [REDACTED] that he felt male and female officers should be able to search females in the same manner. Officer HAYS said he does not personally believe male officers should be able to use the palm of their hand to search women.

Officer HAYS agreed that male and female officers are taught the same search techniques at the academy for searching females.

Officer HAYS said he did tell [REDACTED] during their conversation at her residence, that he was almost off duty. He said there was never any discussion about the sun rising.

Officer HAYS said he never asked [REDACTED] what color her underwear was nor did he ever see her underwear during this incident. He said he also did not put his finger inside the waistband of her pants and move his finger around to check the waistband area.

Officer HAYS said [REDACTED] never asked for his name. He told her his last name when he first contacted her. Officer HAYS told me that [REDACTED] was the one who brought up the fact that she had a Vietnamese boyfriend. He said he never asked why she was with an Asian man, nor did he discuss with [REDACTED] how he would have sex with her if he was her boyfriend. He said he never brought up the topic of sex with [REDACTED], however [REDACTED] told him she loved sex and that her boyfriend was the only one who could satisfy her.

Officer HAYS said he recalled [REDACTED] asking him how long he had been a police officer and he told her it was about three years.

Officer HAYS said he stayed to speak with [REDACTED] after he searched her. The conversation ended when [REDACTED] said she was going to go to bed. Officer HAYS thanked her for her time. When he finished the conversation, he walked across the street, got in his car, and left immediately.

Officer HAYS said he did not speak with anyone else at the Menlo address, nor did anyone else come out of the house. Officer HAYS had never been to the address before. He said [REDACTED] told him that the address was the location she was staying at with friends. [REDACTED] said she was staying there to keep away from her boyfriend who was living in the canyon. I asked Officer HAYS if he thought the residence was a "flop house" or a "dope house." He said he thought it was messy.

I asked Officer HAYS about the CAD comments he added at 0606 hours where he indicated [REDACTED] had called her roommate several times. He told me he did not witness those calls. He said [REDACTED] had mentioned to him at the original contact location that she had tried to call her roommate to get her to unlock the door. Officer HAYS verified that he did not locate a cell phone in [REDACTED] possession. He said she never told him what type of phone she had used (pay phone vs. cell phone). There was no discussion between [REDACTED] and Officer HAYS about the roommate's identity.

I asked Officer HAYS about the CAD notes he added at 0607 hours where he said he assisted [REDACTED] in waking up her roommate to let her in the house. Officer HAYS said he never saw a roommate. I asked him how he helped her then. He then told me that he knocked on the door and that was all he did. Officer HAYS said he did not see if anyone came to the door. He said he knocked at the door soon after they arrived at the Menlo address.

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I asked Officer HAYS if [REDACTED] was capable of knocking on the door herself and he said yes. I then told Officer HAYS there was no reason for him to knock on the door and he agreed. I told him I didn't believe he knocked on the door. His response was, "Ok." I asked him again if he knocked on the door. He paused and then said, "No, I didn't knock on the door." I asked him if his statement that he knocked on the door was inaccurate and he said it was. I asked him why he was now saying that he did not knock on the door and he said he thought he had.

Officer HAYS said [REDACTED] did not want him to make contact with anyone inside the house.

I asked Officer HAYS if the notes he wrote on the incident in regards to helping [REDACTED] try and wake the roommate up were accurate. He said the notes were not accurate. Sergeant BASSETT asked him why he would put notes on the case that were not accurate. He told us his intentions were to assist [REDACTED] in whatever way he could.

Officer HAYS admitted that he never saw [REDACTED] go inside the house. He only saw her walking towards the house and he did not know if she ever went in the house. Officer HAYS agreed that he made the notes on the incident right before he drove away. Sergeant BASSETT asked Officer HAYS why he would put a false statement on the CAD incident. He replied, "Because I was thinking I did assist her." When asked again about why, Officer HAYS said, "I don't know." He also said, "There was no reason why I should have even put that on there."

Later in the interview I asked Officer HAYS if he was untruthful with me when he told me he had knocked on the door to [REDACTED] residence. He replied, "I would say yes." I also asked him if he was untruthful when he put comments of the CAD that were factually incorrect (that he had assisted [REDACTED] with waking up her roommate). He replied, "Yes." I asked him why he would put factually incorrect information on the CAD. He essentially said he realized the information was false after he typed it, but he chose not to send the dispatcher a message to correct it or make the correction himself.

I told Officer HAYS that AVL and CAD showed he was at [REDACTED] residence for forty-three minutes. I asked him if that was an accurate representation of the amount of time he spent at her place. He said it was. He said the majority of that time was spent speaking with [REDACTED].

Officer HAYS said his failure to turn in [REDACTED] field interview slip was not an attempt on his part to conceal his contact with [REDACTED].

Officer HAYS said he did not provide [REDACTED] with any contact information for resource centers where she could get help for her drug problem. He simply told her she needed to get help.

Officer HAYS said at no time during his search of [REDACTED] did his hand go up under her shirt or make contact with bare skin.

Contact with [REDACTED]

I asked Officer HAYS if he arrested [REDACTED] on October 09, 2013, for a warrant. He said her name sounded familiar. I then showed him [REDACTED] booking photograph and he said he

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remembered her. He also recalled driving to [REDACTED] residence and releasing some of her personal property to her boyfriend, [REDACTED]. Officer HAYS said the arrest went smoothly. There was no use of force, [REDACTED] was complaint and cooperative, and [REDACTED] did not make any statement that she would retaliate for her arrest.

I asked Officer HAYS if he contacted [REDACTED] on a bus bench near 52nd Street and El Cajon Boulevard on October 30, 2013. He said he did. I showed him the CAD printout of the incident which said he went out on the contact at 0403 hours. He said that sounded accurate.

Officer HAYS said he saw her sitting on the bus bench so he drove up and asked her when she had gotten out of jail. [REDACTED] told him she had just gotten back into town from Riverside. Officer HAYS said he was carrying on this conversation from the driver's seat of his police vehicle. Officer HAYS said he does not know [REDACTED] to be a drug user or a prostitute, but he said it was possible she is a prostitute.

Officer HAYS said they spoke for a bit about her boyfriend and what she was doing out so late at night. Officer HAYS said they also talked about when the buses were going to start running again. Officer HAYS acknowledged that he offered [REDACTED] a ride home which she gladly accepted. Officer HAYS said he did not have to ask [REDACTED] multiple times if she wanted a ride. Sergeant BASSETT asked Officer HAYS why he felt the need to give [REDACTED] a ride. He replied, "I was just trying to be nice." Officer HAYS stated that his determining factor on whether to give a person a ride is based on how far they need to go. The further the distance the less likely he is to give someone a ride. He said by offering rides he is "building bridges with the community." He feels it is a good use of his time if he is helping someone out because police officers are there to serve and protect. He said in his short time at Mid City he has not found a lot of citizens who like the police, so this is his way to help change that. He sees the rides as a way to earn the trust of the citizens.

Officer HAYS was unable to tell me if, in his opinion, [REDACTED] was pro-police or not. He said she treated him fine.

Officer HAYS said he believed he checked [REDACTED] for warrants prior to giving her a ride. His records check was based on information [REDACTED] verbally provided to him. Officer HAYS said the time he arrested [REDACTED] he did look at her criminal history. He could not recall what types of previous convictions she had, but he did say she had an extensive rap sheet possibly including narcotics and prostitution.

Officer HAYS said he did not pat down or search [REDACTED] prior to driving her home. He told me he did not believe he ever got out of his vehicle during the contact and [REDACTED] actually got into the back seat of his vehicle on her own. I asked Officer HAYS why he would let someone into his vehicle on their own. He replied, "I don't know. I was being trustworthy."

I asked Officer HAYS if giving courtesy rides to the three women we had discussed so far ([REDACTED] and [REDACTED]) was more important than doing his duties as a police officer. He replied, "No."

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Officer HAYS said he only spoke to [REDACTED] for a few minutes before he drove her home. He said he recalled the location where [REDACTED] was living. He did not need to ask her for the address.

Officer HAYS said he did not apologize to [REDACTED] for arresting her previously but he did tell her he hoped everything had come out alright.

Officer HAYS said he aired his starting and ending mileage on the radio. He drove [REDACTED] to the 6000 block of University Avenue. He said there is an AM/PM at the corner of College and University just to the east of where he stopped. I showed Officer HAYS a Google Maps satellite view of 6000 University Avenue. He said he recognized it. I asked him to draw an "X" on the map at the point where he first stopped his patrol vehicle to let [REDACTED] out of his vehicle. He then drew an "X" on the map next to the smoke shop which is east of [REDACTED] storage unit.

When Officer HAYS stopped the patrol vehicle, he let [REDACTED] out of the vehicle and then continued to talk to her about her boyfriend. He said he spoke to her for fifteen minutes. He then changed his statement that it might have been only a couple of minutes. While he was speaking to [REDACTED] next to his vehicle, Officers OCHOA and YODER pulled into the parking lot. I told Officer HAYS that Officer YODER and Officer OCHOA never saw [REDACTED] next to his vehicle.

Officer HAYS said [REDACTED] walked off and went west towards her residence. Officer HAYS said he spoke briefly to Officers OCHOA and YODER before they left. After dropping [REDACTED] off, Officer HAYS said he stayed in the same general area of the parking lot. He said he may have re-parked his vehicle so that he could watch for people running the red lights at the intersection of College and University.

While watching the intersection for red-light violators, [REDACTED] walked back over to him from the direction of her residence. He believed [REDACTED] had been gone for five or ten minutes before she returned. She told him she was pregnant and she asked if it was wrong that she had cheated on her boyfriend. [REDACTED] did not ask Officer HAYS why he was still there. Officer HAYS told me he got out of the vehicle to speak with [REDACTED]. He said he got out this time because he believes he realized his officer safety mistake from the initial contact.

Officer HAYS said he did not conduct any type of search or pat down of [REDACTED] while they were in the parking lot by her residence.

I asked Officer HAYS if he ever went back behind the smoke shop (I pointed out the business on the map). He told me he did go back there because [REDACTED] told him that people go back there to smoke dope (this was after [REDACTED] walked back over to speak with him). [REDACTED] admitted to going back there to smoke marijuana. Officer HAYS said he backed his vehicle into the area behind the smoke shop. [REDACTED] followed him behind the building and into the lot where he backed his vehicle. He was there for only a couple of minutes.

PINKCARD asked Officer HAYS how far he backed his vehicle from where it was parked while he was talking to [REDACTED] to the area behind the smoke shop. Officer HAYS estimated that the distance he backed his vehicle was fifteen to twenty feet. He described the movement of his vehicle as backing and

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the pulling forward. After moving his vehicle, Officer HAYS got out of his vehicle and began to look around while he was still carrying on a conversation with [REDACTED] who had walked behind the building as well.

Officer HAYS described the area behind the smoke shop as being well lit by the surrounding businesses.

Sergeant BASSETT asked Officer HAYS if it was good officer safety to back his vehicle into an area where dope users might be hanging out. He said he had to do it that way in order to maneuver his vehicle behind the building. I then asked Officer HAYS if he couldn't have just walked the two car lengths he drove. He said he could have. Officer HAYS said his vehicle, even though it was behind the business, would still have been visible from University Avenue.

After finishing their conversation, [REDACTED] walked off towards the direction of the AM/PM. At that point, Officer HAYS left the scene.

I asked Officer HAYS if, when he arrived to drop off [REDACTED], he ever ended up in front of [REDACTED] storage unit (residence). He said he did not recall. He told me the majority of the contact was over next to the smoke shop.

I then explained to Officer HAYS the version of events as told by [REDACTED] and asked him specific questions about her allegations.

I asked Officer HAYS if he told [REDACTED] when she was walking past him in the parking lot of her residence, "Oh I forgot to pat you down." He said he did not say that to her.

I then showed Officer HAYS a series of GPS positional plots on several different satellite maps that included time stamps. I told Officer HAYS that the information showed he was stopped directly in front of [REDACTED] residence for forty-nine seconds (starting at 0410 hours) when Officers YODER and OCHOA pulled into the parking lot. I asked Officer HAYS if looking at the map would cause him to change his story about never being in front of her residence until the end of the contact. He said he did not recall being parked in front of her residence.

I then continued to show Officer HAYS the series of GPS positional plots on several different maps.

I asked Officer HAYS again if he recalled being parked in front of [REDACTED] residence during this incident. He told me after seeing all of the maps that he did pull up directly in front of [REDACTED] residence. That was the location where [REDACTED] got out of his vehicle. I asked Officer HAYS where [REDACTED] walked off to. He told me, "I originally thought she had gone off to her apartment when she got out of the vehicle." I asked him how he could have mistaken where she went. He said, "Because I didn't watch her." I told Officer HAYS that he had previously told me that he watched her walk from his car to her apartment. He said that statement was based on his original belief that he had been parked over by the smoke shop when he dropped her off.

I then asked Officer HAYS which direction [REDACTED] walked up from when she re-contacted him. He said she walked up from the area of the AM/PM. Officer HAYS admitted that was a different version

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of events than he had previously given me. He said the change was a result of him realizing that his vehicle was in a different position than he originally thought.

PINKCARD then asked Officer HAYS to consider how it was that his memory was being refreshed and whether he had an independent recollection of the events that occurred. Officer HAYS told me he was now basing his statement on the assumption that what I was showing him in terms of the maps was true and that he really had no independent recollection of the series of events.

I asked Officer HAYS how many vehicles he would expect to see run the red light at College and University at 0400 hours. He replied, "Not many." I asked him if, in reality, he backed his vehicle to the side of the smoke shop waiting for [REDACTED] to walk back by so he could speak to her again. He told me that is not what he did. He said he was watching the intersection. He told me he does "write quite a few tickets."

Officer HAYS told me after he backed his vehicle behind the smoke shop he got out of his vehicle and explored the area. He was looking to see if anyone was there and where hiding spots could be found.

I asked Officer HAYS why he spent so much time speaking with [REDACTED]. He told me he was just talking with someone. Sergeant BASSETT asked him if this was a good use of his time. He replied, "My time could have been spent better. Yes."

I told Officer HAYS that [REDACTED] was alleging that during a search of her, he explained to her the difference between how male officers and female officers search females. He said he did not search [REDACTED] but he did explain to her the difference because of the discussion they were having in reference to his previous arrest of her. He told me [REDACTED] did not ask about searches but mentioned that the female officer that previously searched her was rude. This is what prompted the discussion regarding searches.

(At this point Officer HAYS was made aware while we were off the tape that we were now conducting a truthfulness investigation based on his answers to these most recent questions.)

I asked Officer HAYS again if he touched [REDACTED] or searched her. He replied, "I do not recall." Officer HAYS denied cupping and squeezing [REDACTED] breasts over her clothing. He also denied rubbing her vagina over her clothing, telling [REDACTED] her "pussy was fat", or having an erection. Officer HAYS said he did not demonstrate on [REDACTED] the process of a pat down nor did he have her demonstrate on him. Officer HAYS said he did not tell [REDACTED] she was pretty, that her breasts were big, and that he had a "thing for black girls." He could not recall if he told her he was married but he does wear his wedding ring while on duty. According to Officer HAYS, [REDACTED] never touched him during this incident. He could not recall if [REDACTED] asked him if there was a camera on his vehicle. He said he did not tell [REDACTED] if he wasn't married he could "do things to her."

Officer HAYS said he did not recall ever writing a ticket at University and College for someone running the red light. He told me he has previously sat in the parking lot at that intersection waiting for someone to run the red light, but he could not recall when the last time was.

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I asked Officer HAYS if he has gone by [REDACTED] residence since the October 30th incident. He told me he has driven by but not pulled in to say hello. I asked him if he ever stopped by while she was sitting out front. He said he did see her and her boyfriend out one time. I asked him if he said hello and he said he did. He said he had planned on sitting at that location anyways to look for criminal activity, so he ran into them by accident. He said he was just trying to be friendly.

Officer HAYS said he would not have had a legal or legitimate reason to conduct a non-consensual search or pat down of [REDACTED] behind the smoke shop.

Contact with [REDACTED]

Officer HAYS said he responded to the K-mart at 5405 University Avenue on November 10, 2013, at 2235 hours to take custody of a shoplifter. Officer HAYS identified the person he took into custody as [REDACTED]. He said the Loss Prevention Officer ([REDACTED]) was a male. I asked Officer HAYS if he asked [REDACTED] why he called the police. He replied, "No." Officer HAYS said he did talk with [REDACTED] about how most LPO's will just issue a civil demand notice to a person they take into custody near the close of the business. Officer HAYS told me this has happened to him a couple of times. Officer HAYS said he was trying to figure out the reason he was at this call. Sergeant BASSETT asked Officer HAYS if he was trying to get rid of the call or "K" it. He replied, "I was definitely trying to get rid of the person (arrestee)." She asked him, "You thought this was a waste of your time?" Officer HAYS stated, "I did."

Officer HAYS then complained that the police constantly get calls from their K-mart in regards to shoplifters and the business never does anything to prevent these types of crimes. Officer HAYS agreed that Chief LANSLOWNE would probably not want him to have that type of discussion with an LPO employed by a major business in our city. He also agreed that it was not a good representation of our police department.

Officer HAYS said when he arrived at the Loss Prevention Office, [REDACTED] was not in handcuffs. He said he did not search or pat down [REDACTED] in the office. The only thing he checked was [REDACTED] purse and he did not recall finding anything illegal in the purse. He then said he did not recall searching or patting down [REDACTED]. I confronted Officer HAYS with the fact that [REDACTED], [REDACTED], and the female witness ([REDACTED]) all said he searched [REDACTED] in the office. He told me he had no independent recollection of that.

Officer HAYS agreed that if [REDACTED], [REDACTED], and [REDACTED] all said he explained the search out loud as he did the search that would be consistent with his regular practice.

Officer HAYS said [REDACTED] told him [REDACTED] might be hiding something (narcotics) on her left side (he was pointing to his waistband). Officer HAYS was not sure if this conversation took place in the office or outside. [REDACTED] did not tell him that [REDACTED] saw [REDACTED] with drugs in her hand.

Officer HAYS said he allowed [REDACTED] to make a phone call in the office so someone could come and pick up the property she had paid for.

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Officer HAYS told me he believed he handcuffed [REDACTED] before walking her out to his police vehicle. [REDACTED] also came outside, but Officer HAYS was unsure if [REDACTED] came out. Officer HAYS did not put [REDACTED] in his vehicle once they got outside. He wanted to question [REDACTED] about the narcotics she might be concealing on her. [REDACTED] denied she had any drugs on her person. Officer HAYS said he told [REDACTED] that she should hand over the narcotics to him or he would get a female officer to come search her.

Officer HAYS said he did not have to call a female officer for a search because [REDACTED] confessed to him that she had narcotics on her. Officer HAYS said he unhandcuffed [REDACTED] because she was going to retrieve and hand him the narcotics. She then reached into her left waistband area and pulls out a baggie of narcotics. Officer HAYS asked if she had any more and she said she had some additional baggies. Officer HAYS asked [REDACTED] to give them to him, which she did. Officer HAYS then placed [REDACTED] back in handcuffs and placed her in his patrol vehicle. Another officer (female) arrived at that point and transported [REDACTED] purchased property (food) home. I asked Officer HAYS if the female officer offered to search [REDACTED] and he said he did not recall. I told him the female officer said she did offer and he declined. I asked him why he would decline. He said he felt like he had enough evidence against [REDACTED] that he didn't need anything else. He said he should have allowed the female to search to make sure [REDACTED] did not have additional narcotics, a gun, or something else.

I asked Officer HAYS why he did not have the female officer conduct a more thorough search of [REDACTED] after [REDACTED] had just taken narcotics out of her pants. He replied, "I didn't think about it." He agreed he could not have been sure that [REDACTED] had given him all of the narcotics that she had on her. All of this occurred after [REDACTED] walked away and the store had closed.

Officer HAYS said he did not recall if he searched or patted down [REDACTED] when they were outside of the store. He said he did not grab [REDACTED] bra and pull it away from her body nor did he shake her bra to see if anything would fall out. Officer HAYS said [REDACTED] did shake her bra out, but not at his request. This is the location where he believes she removed the second quantity of narcotics (he said the narcotics fell on the ground).

Officer HAYS said he never touched [REDACTED] breasts during this incident nor did he see her breasts.

I asked Officer HAYS to explain the excerpt from his report where he stated that [REDACTED] was reaching into her bra if she was handcuffed during this time (this was prior to the discovery of the narcotics). He said he never wrote in his report that [REDACTED] was handcuffed. I advised him that he had just told us she was handcuffed up until the point that he removed the handcuffs to allow her to recover the narcotics. Officer HAYS said he could not now remember if he did handcuff [REDACTED] inside the store or not.

Officer HAYS told me that no one has ever offered to give him a blowjob or perform any other sexual act on him to get out of going to jail. He said he did not have a discussion on that topic with [REDACTED] while they were driving to jail.

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Contact with [REDACTED]

I asked Officer HAYS if he recalled arresting [REDACTED] [REDACTED] for a warrant on August 02, 2012, at 7-11 at 4919 University Avenue. I showed Officer HAYS a photograph of [REDACTED] and he said she did not look familiar. I provided Officer HAYS with a copy of his arrest report to try and refresh his recollection. He still did not recall his contact with [REDACTED]

Officer HAYS wrote in his report that his contact with [REDACTED] was a consensual encounter. I told him that [REDACTED] said he told her to hang up the phone when he contacted her. I asked Officer HAYS if telling her to hang up the phone would change this from a consensual encounter. He said it would become a detention.

Officer HAYS acknowledged that he arrested [REDACTED] but he could not recall searching her. Officer HAYS said he does not, during a female search, put his fingers inside the waistband of their pants and move his finger around their waist. He said the most he will do is shake a belt if the person happens to be wearing one.

I asked Officer HAYS if during the incident he put his hand inside her shirt during a search. He told me that did not happen. I asked him if he used his hand to pull her bra away from her body by the cups of the bra and then shook the bra. He said that did not happen nor has he ever done that. I told him [REDACTED] alleges that he used his fingers to search inside the cups of her bra. Officer HAYS told me he has never done that. He told me that putting your fingers inside a bra is not a search technique that is taught at the police academy. Officer HAYS said he has never had the skin of his hand touch the skin of a female's breast during a search. He denied having an erection during a search of [REDACTED]

Officer HAYS agreed that his report does not indicate that a female officer responded to the scene to search [REDACTED]. I asked him what his normal procedure would have been in August 2012 in regards to calling for a female officer to search his arrestee. He told me it would have been his normal practice to call for a female officer in this type of situation. He also would have notated that in his arrest report. I asked him since there is nothing in his report about a female officer searching [REDACTED] did that indicate she was not searched by a female officer. He said, "That is correct." He said he did not recall having a partner or a cover officer for the incident.

Conversation with Captain JARVIS

I reminded Officer HAYS that he received a phone call from Captain JARVIS on December 27, 2013, placing him on administrative leave. He said he was at home at the time he received the call. Officer HAYS said he was not provided any details about the investigation but Captain JARVIS told him he was removing his police powers. Officer HAYS agreed that he asked Captain JARVIS, "If I just quit, will this all go away?" I asked Officer HAYS why he would say that. He replied, "I was just done. I had no idea what was going on." He said he was crying and he couldn't speak after Captain JARVIS told him. He said he wanted everyone to just leave him alone. He assumed someone had said something "bad" about him that led to his police powers being removed. He stated that he said quit because he wanted to "just go away from it all." He told me that he had no idea what this could be about. Officer HAYS said the only complaint he has ever had filed on him was because he giggled at someone.

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Locker Search

The next set of questions related to an administrative locker search conducted on Officer HAYS' locker at Mid City. I asked him why citation #Y1332301 which he wrote on November 16, 2012, and was returned to him on December 24, 2012, was in his locker. He responded, "Because it got lost in the trash." He then got confused that I was referring to a recent citation and not one that he had written over a year ago. I advised him that the citation had been in his locker for over a year. I asked him if there was any reason the citation should be in his locker. He replied, "No. I totally forgot it." I asked him if he understood that Department procedure required him to complete citation corrections or have the citation voided/dismissed and not just throw it in his locker. He said, "Yes."

I asked him if he had an explanation for why citation #Y1403122 which he wrote on June 13, 2013, and was returned to him on June 26, 2013, was in his locker. He responded, "No." I asked him if the citation should have been corrected or voided and turned in. He replied, "Yes."

I asked Officer HAYS why field interview #2468332 that he completed and journalized on October 13, 2013, was not turned in. He replied, "Because I did not finish filling it out." I asked him if this was a field interview slip that he should have turned in. He answered, "Yes." I asked him if Department procedure requires him to submit field interview slips to Records with a second copy going either to his command or a more appropriate investigative body. He answered, "That is correct." He agreed it would be inappropriate for him to store the field interview slip in his locker.

I asked Officer HAYS why field interview #2659403 that he completed and journalized on October 22, 2013, was not turned in. He replied, "I just set it there (locker) and forgot I had it in there." I asked him if this was a field interview slip that he should have turned in. He answered, "That is correct."

I reminded Officer HAYS that he handled a ride along by the name of [REDACTED] on November 05, 2013. I told him the ride along form was completely filled out but it was not submitted to the Mid City Ride Along coordinator after the ride along because we found the form in his locker. I asked him why the form was not turned in. He told me that [REDACTED] was a friend of his and he had set the form inside his locker and then forgot about it. I asked Officer HAYS if he understood that Department procedure required him to turn in the form for liability and tracking purposes. He replied, "I do now."

I reminded Officer HAYS that on July 10, 2013, he completed DV Case #13-027156 where the victim was [REDACTED]. I told him we found the signed yellow copy of the DV Information Sheet in his locker indicating it was not forwarded to the Domestic Violence Unit. I asked Officer HAYS why the form would be in his locker instead of being submitted. He said he must have mixed the form in with other papers in his locker and did not know it was there. He agreed that it is necessary for the DV Unit to receive the document that was found in his locker.

Additional Statements About Female Searches and Courtesy Rides

Officer HAYS said he has done nothing criminal. He said he has provided courtesy rides to males as well as females, although he did not recall spending long periods of time speaking with the males after he provided the ride.

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Officer HAYS denied touching [REDACTED] [REDACTED] or [REDACTED] in a sexual manner or for a sexual purpose during a search of their person.

Sergeant BASSETT asked Officer HAYS if he was familiar with the Department policy regarding male officers searching females. He responded, "Not too 100% on it." Sergeant BASSETT then read him the policy. Officer HAYS agreed that there was no witness officer present during his pat downs of [REDACTED] and [REDACTED]. He also stated that he did not know the search/pat down policy perfectly, but agreed it would be something that he should know to avoid perceived allegations of misconduct.

Officer HAYS also agreed that the courtesy rides he provided were not necessary or required. If there was not a witness officer available to observe his pat downs, he did not have to conduct them or give these female a ride.

The interview was concluded at 1722 hours.

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CONCLUSIONS:

1. CRIMINAL CONDUCT- SUSTAINED

Officer Christopher HAYS, while on-duty and in uniform, committed crimes against [REDACTED]
[REDACTED] and [REDACTED]

[REDACTED] said

[REDACTED] and her boyfriend, [REDACTED] went out to eat dinner. She drank "way too much." During the walk home, they got into an argument and she was crying. Officer HAYS pulled over and told her there seemed to be a problem. [REDACTED] was grateful the officer stopped.

Officer HAYS patted down [REDACTED] and put him in the back of the police car. Officer HAYS asked her if she had anything illegal on her. He asked her to pull her bra out away from her body to make sure nothing was inside so she did.

Officer HAYS spoke with [REDACTED] about where he lived. [REDACTED] told him he lived in Imperial Beach. Officer HAYS let him out of the car and [REDACTED] walked away.

Officer HAYS told [REDACTED] he was going to give her a "courtesy ride" home because she was drunk. She told him numerous times she wanted to walk home because she wanted to go get cigarettes. Officer HAYS again told her he was going to give her a ride home because she was too drunk to walk home. She was indifferent about getting a ride but did not feel she was too drunk to walk home. She was not afraid to walk home by herself. She did not expect the officer to take her home.

Officer HAYS told her he was going to have to pat her down for his safety before she got into his car. [REDACTED] was okay with that. Officer HAYS told her to pull her bra out and shake it to make sure nothing was in it. [REDACTED] complied. Officer HAYS patted her down and she got in the car.

Officer HAYS obtained her address and used his radio to call in the "courtesy ride." At some point, Officer HAYS asked her if she lived alone. She told him she did. He asked if [REDACTED] lived with her or if he had a key to her apartment. She told him [REDACTED] lived in Imperial Beach and that he did not have a key.

Once they arrived at her residence, [REDACTED] walked to her apartment, unlocked the front door and Officer HAYS followed her inside. She did not want Officer HAYS in her apartment but did not tell him to leave. When they got inside, [REDACTED] saw [REDACTED] on the couch and said, "There's [REDACTED]" Officer HAYS responded, "I thought you lived alone."

Officer HAYS then asked where her bedroom was. [REDACTED] pointed to the back of the apartment. He said something like, "Let's go." She thought it was weird, but she walked to her

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bedroom and Officer HAYS followed her. She felt very uncomfortable. They both went inside her bedroom and she turned on the lights. Officer HAYS told her to put on her pajamas. She told him no in a "giggly" way. He then told her to pull her bra out and shake it for his safety. [REDACTED] thought it was strange but she did it. He then told her to lift up both of her shirts and she did because she was fearful he would get angry or physical. Her breasts and nipples were exposed for a few seconds. Officer HAYS was within arms distance but he did not touch her. Officer HAYS then thrust his hips towards her and told her to "touch it." She believed he wanted her to touch his penis (over his pants) because Officer HAYS had an erection.

[REDACTED] knew something was wrong. His behavior was inappropriate and she felt it was going to progress badly so she tried to deflect the conversation and asked him if he wanted cookies. Officer HAYS was in the path to the doorway but she was able to scoot around him and went into the kitchen. Officer HAYS eventually left. [REDACTED] said Officer HAYS was at her apartment for about 10 minutes, but it seemed longer.

[REDACTED] did not report Officer HAYS because she was afraid he would come back.

[REDACTED] said

After being let out of the police car and unhandcuffed, Officer HAYS told [REDACTED] to go home. [REDACTED] told Officer HAYS he did not have enough money to get home on the trolley, that he only had some change. Officer HAYS pulled out a five dollar bill and told [REDACTED] he would give him the bill and for him to hand over his change. [REDACTED] asked what time it was; Officer HAYS said 2342. [REDACTED] told him he could not get to the trolley in time before it stopped running. Officer HAYS put his money back in his wallet and gave [REDACTED] his change back. Officer HAYS told him to figure it out and said if he sees him again tonight he will arrest him.

[REDACTED] said

She was sleeping on the couch. At some point she woke up and saw [REDACTED] and Officer HAYS standing in the kitchen. [REDACTED] told her the officer brought her home because [REDACTED] "got crazy." Officer HAYS did not say anything. [REDACTED] asked [REDACTED] if she was okay and she said she was fine. [REDACTED] did not suspect anything was wrong. [REDACTED] nodded off back to sleep.

An unknown amount of time passed when [REDACTED] woke [REDACTED] up and told her she hurt her foot. [REDACTED] sat up on the couch. She saw Officer HAYS was standing by the Christmas tree. Officer HAYS told [REDACTED] he was trying to get [REDACTED] to go to bed. [REDACTED] came over to the couch and told [REDACTED] the officer was leaving and that she was going to go to bed. [REDACTED] lay back on the couch. Officer HAYS left.

Officer KASHOUTY said

On the night which he believed Officer HAYS is being investigated for, he recalled Officer HAYS went out on a courtesy transport in the area of 7200 El Cajon Blvd. Officer KASHOUTY did not think anything of it and went out on a stop at 6300 University. Officer HAYS later showed up to cover him. After he finished up with the stop, he asked Officer HAYS what happened on his courtesy transport. Officer HAYS put his head down and shook his head. He was hesitant and appeared remorseful. He recalled Officer HAYS said something like, "Man, that just went kinda bad." Officer HAYS then possibly said the person he gave the transport to was going to file a complaint. Officer KASHOUTY did not ask any questions of Officer HAYS and Officer HAYS did not elaborate.

Officer HAYS said

He contacted [REDACTED] and [REDACTED] because when he drove by he could hear [REDACTED] talking loudly. [REDACTED] told Officer HAYS that they were having an argument because [REDACTED] believed he was cheating on her. When Officer HAYS asked [REDACTED] why [REDACTED] was crying he told him, "Because I spanked her."

[REDACTED] gave Officer HAYS consent to search him. Officer HAYS said he put on a pair of black latex gloves for his search [REDACTED]. Officer HAYS handcuffed [REDACTED] and sat him in the back of his patrol SUV.

When Officer HAYS first tried to speak with [REDACTED] she would not speak about the incident. Officer HAYS said he could tell that [REDACTED] was favoring one of her feet and she smelled like alcohol. Officer HAYS described [REDACTED] as being intoxicated but not to the point that she could not communicate or she did not know where she was or who she was with.

After some time, Officer HAYS said [REDACTED] indicated "nothing" had happened. When Officer HAYS specifically asked about the spank, [REDACTED] told him it was more of a "love tap." [REDACTED] admitted she had been in an argument with [REDACTED] but stated she was crying because she had rolled her ankle. Officer HAYS said based on [REDACTED] statement, he no longer believed a domestic violence incident had taken place.

Officer HAYS told [REDACTED] that he felt it was best he and [REDACTED] not be together because if the police had to come back out then someone might have to go to jail. [REDACTED] agreed to leave. [REDACTED] told Officer HAYS he did not think he had enough money to take the trolley home. Officer HAYS told him he would help him out by giving him a few dollars. Officer HAYS took a five dollar bill from his wallet and asked [REDACTED] if that would be enough. [REDACTED] said that would be enough, then for some reason changed his mind and said he had enough money. Officer HAYS did not give [REDACTED] the money. [REDACTED] walked off after his handcuffs were removed. Officer HAYS said he offered money to [REDACTED] because he wanted to make sure he got home safely.

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Officer HAYS said he offered [REDACTED] a ride home because the area she was in has a lot of crime problems. He had to offer a couple of times before she accepted.

Officer HAYS asked for and received permission from [REDACTED] to pat her down. Officer HAYS said he explained to [REDACTED] that he was going to use the back of his hand to pat her down per Department policy. Officer HAYS said he always explains this to people and then asks if they have any objections. Officer HAYS then demonstrated on himself by moving his hand underneath his breasts from one side to the other. He then moved his hands to his arms and down his sides. He said he felt the pockets of her pants and then put the back of his fingers into her pockets to make sure he did not miss anything. He said he did this on all four of [REDACTED] pants pockets. He then moved his hands down his legs. This was the process he used to pat down [REDACTED]. After completing the pat down, he asked [REDACTED] to sit in his patrol vehicle.

Officer HAYS said at no time did he ask [REDACTED] to pull her bra away from her body and shake her bra to make sure nothing fell out. Officer HAYS said he has never asked a female to shake out her bra.

Once [REDACTED] was seated in the police vehicle, Officer HAYS asked for her exact address which she provided to him. Officer HAYS said he drove [REDACTED] home. During the drive, Officer HAYS said he asked [REDACTED] if she had a roommate at home. She told him she did. Officer HAYS said he never asked [REDACTED] if she lived alone. He told me if she had lived alone he probably would not have driven her home. He told me he would probably have called his sergeant for additional advice on what to do with her.

Officer HAYS was asked about [REDACTED] level of intoxication. Officer HAYS said, "She'd probably meet the criteria for 647f or Detox." When asked why he did not take her to Detox or jail, Officer HAYS said, "I wasn't feeling like taking any of 'em to jail that night, her or her boyfriend. So I was - to me, I was trying to be nice and courteous to people that night."

When questioned further, Officer HAYS said he actually asked about [REDACTED] roommate situation before they even started driving. He wanted to be able to tell the roommate what situation [REDACTED] had just been involved in and make sure [REDACTED] was safe.

After parking on 73rd Street, Officer HAYS said he made sure with [REDACTED] that they were at the right house. He exited the vehicle and opened the door to allow [REDACTED] to get out. Officer HAYS assisted [REDACTED] with getting out of the vehicle. He retrieved her purse from the front seat and allowed her to carry her own purse. Officer HAYS followed [REDACTED] to the front gate of her complex. She fumbled and dropped her keys. After picking up the keys she was able to open the gate. Officer HAYS asked if she needed further assistance and [REDACTED] replied, "Yes please." After getting through the gate, Officer HAYS said it took a while to get to the front door because [REDACTED] was still favoring her injured ankle.

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After a couple of attempts [REDACTED] was able to open the front door to her apartment. As soon as the door opened, Officer HAYS said he noticed the lights inside the apartment were off. Officer HAYS said he asked [REDACTED] where her roommate was and she said, "In here. You can come in." [REDACTED] stepped inside the apartment and nearly fell. Officer HAYS said he grabbed hold of [REDACTED] to keep her from falling. This caused him to step into the apartment. He again asked where [REDACTED] roommate was. Officer HAYS stated he was led to a rear room where there was a light on. He said this was a bedroom. As Officer HAYS walked into the room, he noticed no one else was in the room. He immediately left the room (after six or seven seconds) and started walking towards the kitchen. [REDACTED] followed Officer HAYS and began insisting that he take cookies.

Officer HAYS told me that while they were in the bedroom he did not direct [REDACTED] to put on her pajamas, nor did she put on her pajamas. Officer HAYS also denied telling [REDACTED] to shake out her bra while they were in the bedroom. He said he did not tell her that he needed to pat her down again. Officer HAYS said he did not conduct any type of search of [REDACTED] while they were in her residence. He said she did not expose her breasts to him at any time while they were in her apartment. Officer HAYS said he did not have an erection while he was at her residence. He also said he did not get close to [REDACTED] and thrust his hips forward, and tell her, "Touch it." He told me he did not find [REDACTED] attractive.

While [REDACTED] was gathering cookies for Officer HAYS, she took a bottle of wine from the refrigerator and asked Officer HAYS, "Should I?" Officer HAYS asked again to see her roommate. By this time Officer HAYS estimated he had been in the apartment for five minutes. He said he was so insistent on speaking with the roommate because [REDACTED] had just been involved in an argument with her boyfriend and she was intoxicated, so he wanted to be able to put the onus of taking care of her on someone else. Officer HAYS then agreed he cannot give a person over eighteen years old to someone else and expect them to take care of the person like they were their parent.

By the time they had made it to the kitchen, Officer HAYS said he had not seen a roommate and he had not turned on any lights. Officer HAYS said [REDACTED] had turned on a couple of lights in the kitchen.

Shortly after [REDACTED] took the bottle of wine from the refrigerator, Officer HAYS asked again if he could speak to her roommate. It was then that Officer HAYS heard someone stirring in the living room. [REDACTED] walked over to the person and said, "Hey. There's an officer in the house." Officer HAYS then identified himself and explained why he was there. He said the roommate was actively involved in the conversation with him. He could see the roommate sitting on a couch. Officer HAYS asked the roommate if she was good with [REDACTED] and she replied, "Yes." Officer HAYS said his discussion with the roommate was "not long at all." Officer HAYS could not describe the roommate and he said he could only tell from her voice that she was female. He could not describe anything else about her because he said the living room was still dark and the roommate had covers over her.

While inside the residence, Officer HAYS said he never uttered the phrase, "I thought you lived alone." Officer HAYS said [REDACTED] led him to her bedroom; he did not ask her where her bedroom was. Officer HAYS said he believed he was still wearing his latex gloves while he was in [REDACTED] residence but he was unable to explain why.

Officer HAYS estimated that he was inside the residence for ten to fifteen minutes. Officer HAYS said the majority of the time he spent in the residence revolved around the cookie situation. He refused the cookies numerous times but [REDACTED] was very insistent.

He said after he explained to [REDACTED] roommate what had happened and why he was there, he left the apartment. Officer HAYS denied making any statement that he was going to come back, and said he had no plans on returning.

After his discussion with [REDACTED] roommate, Officer HAYS said he walked out of the apartment. [REDACTED] then walked out of the apartment behind him. Officer HAYS said he tried to get her to go back in the house. He told her he had another call to go to. [REDACTED] told him, "You have my number. You can call me." Officer HAYS said he told her to go back in her house or he would arrest her for being drunk in public. After she went back to her apartment, Officer HAYS said he walked out to his car and left for the other call. He estimated his discussion with [REDACTED] outside took approximately one minute.



Officer HAYS said he did not know why [REDACTED] told him to call her, but it annoyed him because he just wanted to be done, go home, and see his family.

[REDACTED] said

She was in the area of 49th and El Cajon Blvd looking for recyclables. She had forgotten her glasses at home and her flashlight stopped working. She was "high" on meth and crying. Officer HAYS stopped her on El Cajon Blvd and asked her what she was doing. She told him she was lost and she left her glasses at home. He asked for her name and she provided it. He did not ask for her birthday or social security number, which was strange to her because other police officers have asked for that information when they contact her. She did not know if he did a records check on her.

He then told her he would give her a "courtesy ride" home. She thought "something was up" because she said "cops aren't a taxi service." [REDACTED] said she wanted a ride "really bad" so she accepted the offer. The officer opened the back door and she put her bags of recyclables in his car and got in the back seat. The officer did not search her bags or her before she got in the car. She told him to go to the area of Wightman and Menlo. Officer HAYS got on his radio and aired the "courtesy ride."

When they arrived at Wightman and Menlo, Officer HAYS parked in the street. He opened the door and she got out. Officer HAYS told her he needed to search her. She walked into the driveway of the house and Officer HAYS followed her. She knew she could have said no to the search, but she did not want any problems or to end up being arrested, so she consented. She did

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not want the officer to touch her but she did not feel she had an option to say no to the search. She felt it would have been more of a problem if she had said no. She set her bags in the middle of the driveway and moved closer to the front door.

Officer HAYS stood behind her and slid both his hands down her arms, and down her hips and legs. He was either bent over or squatting down. He moved both his hands up her legs (remaining in constant contact) and rubbed the palms of his hands on her vagina over her clothes in a wiping motion. He then rubbed his hands over her buttocks. While standing behind her, he then put both hands on her breasts (she was not wearing a bra). He never touched her skin. She did not yell for help because she just wanted the officer to leave, but he did not. He told her she could have said no to the search.

He then asked her if she noticed anything different about the search he did. She lied and said no because she wanted him to go away and if she said yes that would have given him a reason to stay and continue to talk to her. Officer HAYS then told [REDACTED] that a female officer can search with the front of the hands but a male officer has to use the back of his hands. [REDACTED] knew what Officer HAYS did was not right.

Officer HAYS wanted to know about her boyfriend and why she would be with an Asian man. He told her how he would have sex with a girl. He said he would come up behind her and grab her hair. [REDACTED] cut off the officer's conversation. He then asked her what color her underwear was. She said it could be any color trying to be very vague. [REDACTED] asked if he should be getting back to work. He told her he was getting off work soon. Their conversation briefly continued and then he walked back to his car. He sat in his car for a couple minutes and then drove away.

The front door was locked and she did not want to wake anyone up so she slept on the porch. She estimated the entire contact lasted about one to two hours.

At some point during the contact, Officer HAYS asked if anyone was inside and she told him they were probably sleeping. [REDACTED] said the officer did not knock on the door, make any phone calls to anyone inside the house, or try in any way to assist her getting inside.

[REDACTED] said she thought about filing a complaint against Officer HAYS but she did not think anyone would believe her.

Officer HAYS said

He contacted [REDACTED] because she was loitering in a high prostitution area and she appeared to be crying. Officer HAYS said [REDACTED] had bags with her when he contacted her. He did not know what was in the bags but assumed they were probably aluminum cans since [REDACTED] is a "canner." Officer HAYS recalled that [REDACTED] had told him that she was upset because she had lost her eyeglasses and her flashlight was not working.

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Officer HAYS said he spent a few minutes speaking to [REDACTED] at the location where he contacted her. It was clear to him that [REDACTED] was lost and unable to find her way home. Officer HAYS offered to give [REDACTED] a ride which [REDACTED] accepted. Officer HAYS said he conducted a pat down of [REDACTED] before he drove her home. Officer HAYS then admitted he was not sure, but that his normal method of operation includes a pat down of anyone getting inside his vehicle. He did not specifically recall patting down [REDACTED] before she got in his car.

Officer HAYS said he drove [REDACTED] to the intersection of Menlo and Wightman, at which point [REDACTED] directed him a little further south on Menlo. After arriving at the residence, Officer HAYS said he got out of his vehicle and then opened the door to let [REDACTED] out. The two of them then walked over to the driveway of [REDACTED] residence where they struck up a conversation.

The majority of the conversation centered on [REDACTED] drug use. [REDACTED] also mentioned to Officer HAYS that she had an abusive Vietnamese ex-boyfriend who lived in the canyon. Officer HAYS admitted that this would have been a good time to conduct a drug influence evaluation since their entire conversation was based on [REDACTED] drug habits.



Officer HAYS said he talked to [REDACTED] for an extended period of time because he wanted to get to know her. He said those conversations can give you insight into why people do the things they do. He said the reason he became a cop was to understand people and be able to help them not do the (bad) things they are doing. Officer HAYS said he would be helping [REDACTED] by not sending her to jail. Officer HAYS acknowledged that by arresting someone and having courts mandate treatment or drug classes for them, it could be a means for helping them.

Officer HAYS said he got the feeling that [REDACTED] has never had anyone listen to her and tell her what is going to happen if she continued to abuse drugs. [REDACTED] told Officer HAYS that she wanted to get clean. He told her that she needed to enroll herself in a program to get help.

Officer HAYS estimated he was talking to [REDACTED] in her driveway for twenty to thirty minutes. During his conversation with [REDACTED] at the Menlo address, Officer HAYS asked [REDACTED] if she was on probation or parole. She indicated to him that she was not on probation. He also asked her if she had anything illegal on her and if he could search her. Officer HAYS said he told [REDACTED] she did not have to allow him to search her.

[REDACTED] told him, "If you want to you can." Officer HAYS said this portion of the event occurred ten to fifteen minutes after they arrived at [REDACTED] residence. Officer HAYS said he also asked to search the bags [REDACTED] was carrying and she said no. Officer HAYS said he did a brief pat down of [REDACTED] because he said it did not appear she had any places on her body that could conceal anything illegal. Officer HAYS said the only thing he could recall [REDACTED] wearing was two jackets.

Officer HAYS stated that during his search he was positioned off to her side and slightly behind her (almost in a "T" position). Officer HAYS said he was holding [REDACTED] hands behind her back in a controlling position. He said he first took off her jackets and he searched those. He

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asked [REDACTED] again if he could search her and she agreed. He told [REDACTED] he was going to use the back of his hand to search her. He first ran his hand around her waist, then down both legs, then back to her waistline, followed by [REDACTED] back, and finally a quick swipe across [REDACTED] chest with his left hand. (His demonstration of the swipe across the chest was directly across his own nipple line.)

Officer HAYS said, in his opinion, [REDACTED] did not really have breasts. He then clarified that she did not have big breasts. Officer HAYS said he could not be sure if [REDACTED] had a bra on but his feeling was that she did not. He said he was wearing black latex gloves during the search. Officer HAYS described his hand swipe across [REDACTED] chest as quick. He said his hand definitely did not linger on [REDACTED] chest.

He said he used the back of his hand to search [REDACTED] groin area, but he did not come all the way up the inside of her leg to her vaginal area.

Officer HAYS said he does not "pat" while doing a pat down or search. He said he slides his hand across those areas he wishes to check.

Officer HAYS said his pat down was for the purpose of seeing if [REDACTED] was in possession of narcotics. He said he was listening more than feeling during the pat down, especially for the sound of a plastic baggie which would indicate the presence of narcotics.

Officer HAYS agreed that his conversation with [REDACTED] regarding narcotics as well as his pat down/search of her would have been better performed at the original contact location.

Officer HAYS said he was now searching [REDACTED] at her residence with the intent on possibly finding something to put her in jail (when he originally said he just wanted to help her) because he discovered [REDACTED] had a history of drug abuse. That changed his mind to thinking that if she had narcotics on her it would be an easy felony arrest. Officer HAYS said he did this as correcting what he should have done to begin with.

Officer HAYS said he would have been willing to let [REDACTED] walk away even if she was possibly under the influence of drugs but he was not willing to let her walk away if she was in possession of narcotics.

Officer HAYS said he vocalized the same search technique to [REDACTED] that he vocalized to [REDACTED] during his pat down of her. Officer HAYS said he also explained to [REDACTED] that female officers use the front of their hands during their searches and are allowed to "do more" than male officers. Officer HAYS said he did not demonstrate both male and female search techniques to [REDACTED] but he did explain those differences verbally. He said he does that so people he searches understand why he does things a certain way. Officer HAYS said he told [REDACTED] the same thing he told [REDACTED] about female officers being able to use the front of their hands. Officer HAYS said this is his standard speech to people (females) about searching.

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Officer HAYS said he did not tell [REDACTED] that he felt male and female officers should be able to search females in the same manner. Officer HAYS said he does not personally believe male officers should be able to use the palm of their hand to search women.

Officer HAYS said he never asked [REDACTED] what color her underwear was nor did he ever see her underwear during this incident. He said he also did not put his finger inside the waistband of her pants and move his finger around to check the waistband area.

Officer HAYS told me that [REDACTED] was the one who brought up the fact that she had a Vietnamese boyfriend. He said he never asked why she was with an Asian man, nor did he discuss with [REDACTED] how he would have sex with her if he was her boyfriend. He said he never brought up the topic of sex with [REDACTED] however [REDACTED] told him she loved sex and that her boyfriend was the only one who could satisfy her.

Officer HAYS said he stayed to speak with [REDACTED] after he searched her. The conversation ended when [REDACTED] said she was going to go to bed. Officer HAYS thanked her for her time. When he finished the conversation, he walked across the street, got in his car, and left immediately.

I asked Officer HAYS about the CAD notes he added at 0607 hours where he said he assisted [REDACTED] in waking up her roommate to let her in the house. Officer HAYS said he never saw a roommate. I asked him how he helped her then. He then told me that he knocked on the door and that was all he did. Officer HAYS said he did not see if anyone came to the door. He said he knocked at the door soon after they arrived at the Menlo address.

I asked Officer HAYS if [REDACTED] was capable of knocking on the door herself and he said yes. I then told Officer HAYS there was no reason for him to knock on the door and he agreed. I told him I didn't believe he knocked on the door. His response was, "Ok." I asked him again if he knocked on the door. He paused and then said, "No, I didn't knock on the door." I asked him if his statement that he knocked on the door was inaccurate and he said it was. I asked him why he was now saying that he did not knock on the door and he said he thought he had. Officer HAYS said [REDACTED] did not want him to make contact with anyone inside the house.

I asked Officer HAYS if the notes he wrote on the CAD incident in regards to helping [REDACTED] try and wake the roommate up were accurate. He said the notes were not accurate. Sergeant BASSETT asked him why he would put notes on the case that were not accurate. He told us his intentions were to assist [REDACTED] in whatever way he could.

Officer HAYS admitted that he never saw [REDACTED] go inside the house. He only saw her walking towards the house and he did not know if she ever went in the house. Officer HAYS agreed that he made the notes on the incident right before he drove away.

Sergeant BASSETT asked Officer HAYS why he would put a false statement on the CAD incident. He replied, "Because I was thinking I did assist her." When asked again about why, Officer HAYS said, "I don't know." He also said, "There was no reason why I should have even put that on there."

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Later in the interview I asked Officer HAYS if he was untruthful with me when he told me he had knocked on the door to [REDACTED] residence. He replied, "I would say yes." I also asked him if he was untruthful when he put comments of the CAD that were factually incorrect (that he had assisted [REDACTED] with waking up her roommate). He replied, "Yes." I asked him why he would put factually incorrect information on the CAD. He essentially said he realized the information was false after he typed it, but he chose not to send the dispatcher a message to correct it or make the correction himself.

[REDACTED] said

She was sitting at the bus stop alone waiting at 52nd and El Cajon Blvd across from the 7-11 store. Officer HAYS pulled into the parking lot behind the bus stop and remained in his car. He asked her through the open window if she needed a ride and asked what she was doing. She did not recognize him. She told him she did not need a ride that she was waiting for the bus. He told her the bus was no longer running. He kept asking her if she needed a ride. She did not want a ride from the officer but she did not feel he would leave her alone until she accepted his ride. He told her he was not going to arrest her, he was just giving her a "courtesy ride." She finally gave in, opened the car door and got into the back seat of his police car. Officer HAYS did not ask for her identification, search her, ask for a female officer, or ask if she had "anything" on her before she got in the car. He called in over the radio that he was providing a "courtesy ride" and gave the location he was taking her to (6000 University).

During the drive, Officer HAYS asked if she remembered him. She said she did not. He told her he was the one who previously arrested her. Officer HAYS apologized for arresting her. She then recalled who he was.

When they arrived at 6000 University, Officer HAYS parked right in front of her residence (a storage unit). She got out of the car and walked into the AM/PM. She purchased a Swisher Sweet. She said she was taking a long time because she wanted to be sure Officer HAYS was gone before she came back out of the store.

About 15 minutes later, she walked out of the store and went towards her residence. She saw Officer HAYS was still there parked in an alcove. [REDACTED] asked him why he was still in the parking lot. Officer HAYS told her he forgot to pat her down. Officer HAYS got out of his car and told her to walk behind the building. He got back in his car and drove behind the building. [REDACTED] said she could have run away but she did not want any issues so she did what he asked to get him to leave faster. She said she did not feel safe and did not feel she had a choice of whether or not to walk behind the building because he is a police officer.

Once behind the building, Officer HAYS turned the police radio down and got out of his car. [REDACTED] was not sure why he wanted her behind the building but she knew something was not right. She also thought it was suspicious that he would need to pat her down after he already gave her a ride and dropped her off. Officer HAYS stood facing her. He explained to her there were different ways to pat down a female. He told her female officers pat down females differently than male officers. Officer HAYS said he did not believe male officers should have to

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search females differently than female officers. Officer HAYS told her he was going to first search her the "female officer way."

While standing facing her, he reached up and cupped her breasts, told her they were "big" and "sexy," and repeatedly squeezed them. He then used his hand to cup her vaginal area and told her that her "pussy is fat." [REDACTED] said Officer HAYS had an erection.

He told her he was married but that he has always "had a thing for black girls." He then told her he was going to search her the "male officer way." He barely touched her during that search. He then told her to search him. She barely touched him and did it quickly to get it over with.

She asked him if there were cameras on his car and he told her there were not. She told him what he was doing was not okay. He told her he was not doing anything wrong. She said he felt so comfortable doing what he did that she suspects he had done it before.

After the pat downs, Officer HAYS got in his car and left. [REDACTED] was not wearing a watch but estimated she and Officer HAYS were behind the building for about 30 minutes. [REDACTED] said she never wanted Officer HAYS to touch her and she does not like police officers.



[REDACTED] said she did not report Officer HAYS because she is a "criminal" and has a lot on her record. She did not want the officer to retaliate against her.

Officer HAYS said

He saw [REDACTED] sitting on the bus bench so he drove up and asked her when she had gotten out of jail (he had arrested her earlier in the month). [REDACTED] told him she had just gotten back into town from Riverside. Officer HAYS said he was carrying on this conversation from the driver's seat of his police vehicle. Officer HAYS said he does not know [REDACTED] to be a drug user or a prostitute, but he said it was possible she is a prostitute. He later admitted he checked her criminal history during her previous arrest and saw she had prior arrests for prostitution and narcotics.

Officer HAYS said they spoke for a bit about her boyfriend and what she was doing out so late at night. Officer HAYS said they also talked about when the buses were going to start running again. Officer HAYS acknowledged that he offered [REDACTED] a ride home which she gladly accepted. Officer HAYS said he did not have to ask [REDACTED] multiple times if she wanted a ride. He said he was "just trying to be nice."

Officer HAYS stated that his determining factor on whether to give a person a ride is based on how far they need to go. The further the distance the less likely he is to give someone a ride. He said by offering rides he is "building bridges with the community." He feels it is a good use of his time if he is helping someone out because police officers are there to serve and protect. He said in

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his short time at Mid City he has not found a lot of citizens who like the police, so this is his way to help change that. He sees the rides as a way to earn the trust of the citizens.

Officer HAYS said he did not pat down or search [REDACTED] prior to driving her home. He said he did not believe he ever got out of his vehicle during the contact and [REDACTED] actually got into his vehicle on her own. Officer HAYS said he did not know why he would let someone into his vehicle on their own. He said he was "being trustworthy."

Officer HAYS said he only spoke to [REDACTED] for a few minutes before he drove her home. He said he recalled the location where [REDACTED] was living. He did not need to ask her for the address.

He drove [REDACTED] to the 6000 block of University Avenue. He said there is an AM/PM at the corner of College and University just to the east of where he stopped. I showed Officer HAYS a Google Maps satellite view of 6000 University Avenue. He said he recognized it. I asked him to draw an "X" on the map at the point where he first stopped his patrol vehicle to let [REDACTED] out of his vehicle. He then drew an "X" on the map next to the smoke shop which is east of [REDACTED] storage unit.


When Officer HAYS stopped the patrol vehicle, he said he let [REDACTED] out of the vehicle and then continued to talk to her about her boyfriend. He said he spoke to her for fifteen minutes. He then changed his statement that it might have been only a couple of minutes. While he was speaking to [REDACTED] next to his vehicle, Officers OCHOA and YODER pulled into the parking lot.

Officer HAYS said [REDACTED] walked off and went west towards her residence. Officer HAYS said he spoke briefly to Officers OCHOA and YODER before they left. After dropping [REDACTED] off, Officer HAYS said he stayed in the same general area of the parking lot. He said he may have re-parked his vehicle so that he could watch for people running the red lights at the intersection of College and University.

Officer HAYS said about five or ten minutes later, [REDACTED] walked back over to him from the direction of her residence. She told him she was pregnant and she asked if it was wrong that she had cheated on her boyfriend. [REDACTED] did not ask Officer HAYS why he was still there. Officer HAYS told me he got out of the vehicle to speak with [REDACTED]. He said he got out this time because he believes he realized his officer safety mistake from the initial contact.

Officer HAYS initially said he did not conduct any type of search or pat down of [REDACTED] while they were in the parking lot by her residence. Later he said he did not recall if he searched her or patted her down.

Officer HAYS said he went behind the smoke shop because [REDACTED] told him that people go back there to smoke dope. [REDACTED] admitted to Officer HAYS that she goes back there to smoke marijuana. Officer HAYS said he backed his vehicle into the area behind the smoke shop.

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██████████ followed him behind the building and into the lot where he backed his vehicle. He was there for only a couple of minutes.

Officer HAYS estimated that the distance he backed his vehicle was fifteen to twenty feet (two car lengths). He described the movement of his vehicle as backing and then pulling forward. After moving his vehicle, Officer HAYS got out of his vehicle and began to look around while he was still carrying on a conversation with ██████████ who had walked behind the building as well. Officer HAYS admitted he could have just walked behind the building.

After finishing their conversation, ██████████ walked off towards the direction of the AM/PM. At that point, Officer HAYS left the scene.

I asked Officer HAYS if, when he arrived to drop off ██████████ he ever ended up in front of ██████████ residence (storage unit). He said he did not recall. He told me the majority of the contact was next to the smoke shop.

I asked Officer HAYS if he told ██████████ when she was walking past him in the parking lot of her residence, "Oh I forgot to pat you down." He said he did not say that to her.

I then showed Officer HAYS a series of GPS positional plots on several different satellite maps that included time stamps. I told Officer HAYS that the information showed he was stopped directly in front of ██████████ residence for forty-nine seconds (starting at 0410 hours) when Officers YODER and OCHOA pulled into the parking lot. I asked Officer HAYS if looking at the map would cause him to change his story about never being in front of her residence until the end of the contact. He said he did not recall being parked in front of her residence.

I then continued to show Officer HAYS the series of GPS positional plots on several different maps.

I asked Officer HAYS again if he recalled being parked in front of ██████████ residence during this incident. He told me after seeing all of the maps that he did pull up directly in front of ██████████ residence. That was the location where ██████████ got out of his vehicle. I asked Officer HAYS where ██████████ walked off to. He told me, "I originally thought she had gone off to her apartment when she got out of the vehicle." I asked him how he could have mistaken where she went. He said, "Because I didn't watch her." I told Officer HAYS that he had previously told me that he watched her walk from his car to her apartment. He said that statement was based on his original belief that he had been parked over by the smoke shop when he dropped her off.

I then asked Officer HAYS which direction ██████████ walked up from when she re-contacted him. He said she walked up from the area of the AM/PM. Officer HAYS admitted that was a different version of events than he had previously given me. He said the change was a result of him realizing that his vehicle was in a different position than he originally thought.

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PINKCARD then asked Officer HAYS to consider how it was that his memory was being refreshed and whether he had an independent recollection of the events that occurred. Officer HAYS told me he was now basing his statement on the assumption that what I was showing him in terms of the maps was true and that he really had no independent recollection of the series of events.

I asked Officer HAYS how many vehicles he would expect to see run the red light at College and University at 0400 hours. He replied, "Not many." I asked him if, in reality, he backed his vehicle to the side of the smoke shop waiting for [REDACTED] to walk back by so he could speak to her again. He told me that is not what he did. He said he was watching the intersection. He told me he does "write quite a few tickets."

Officer HAYS told me after he backed his vehicle behind the smoke shop he got out of his vehicle and explored the area. He was looking to see if anyone was there and where hiding spots could be found.

I asked Officer HAYS why he spent so much time speaking with [REDACTED]. He told me he was just talking with someone. Sergeant BASSETT asked him if this was a good use of his time. He replied, "My time could have been spent better. Yes."

I told Officer HAYS that [REDACTED] alleged that during a search of her, he explained to her the difference between how male officers and female officers search females. He said he did not search [REDACTED] but he did explain to her the difference because of the discussion they were having in reference to his previous arrest of her. He told me [REDACTED] did not ask about searches but mentioned that the female officer that previously searched her was rude. This is what prompted the discussion regarding searches.

(At this point Officer HAYS was made aware while we were off the tape that we were now conducting a truthfulness investigation based on his answers to these most recent questions.)

I asked Officer HAYS again if he touched [REDACTED] or searched her. He replied, "I do not recall." Officer HAYS said he would not have had a legal or legitimate reason to conduct a non-consensual search or pat down of [REDACTED] behind the smoke shop.

Officer HAYS denied cupping and squeezing [REDACTED] breasts over her clothing. He also denied rubbing her vagina over her clothing, telling [REDACTED] her "pussy was fat", or having an erection. Officer HAYS said he did not demonstrate on [REDACTED] the process of a pat down nor did he have her demonstrate on him. Officer HAYS said he did not tell [REDACTED] she was pretty, that her breasts were big, or that he had a "thing for black girls."

He could not recall if he told her he was married but he does wear his wedding ring while on duty. According to Officer HAYS, [REDACTED] never touched him during this incident. He could not recall if [REDACTED] asked him if there was a camera on his vehicle. He said he did not tell [REDACTED] if he was not married he could "do things to her."

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Officer HAYS said he did not recall ever writing a ticket at University and College for someone running the red light. He told me he has previously sat in the parking lot at that intersection waiting for someone to run the red light, but he could not recall when the last time was. I asked Officer HAYS if he has gone by [REDACTED] residence since the October 30th incident. He told me he had driven by but not pulled in. I asked him if he ever stopped by while she was sitting out front. He said he did see her and her boyfriend out one time. I asked him if he said hello and he said he did. He said he had planned on sitting at that location anyways to look for criminal activity, so he ran into them by accident. He said he was just trying to be friendly.

[REDACTED] said

She was arrested by a Kmart loss prevention officer for shoplifting and Officer HAYS came to the store. Officer HAYS handcuffed her and patted her down in front of the loss prevention officer. Officer HAYS explained to [REDACTED] that male officers have to use the back of their hand to search females. He then took her out to his police car. He put her in the rear of the car.

While still in the Kmart parking lot, a female officer arrived. Officer HAYS did not have the female officer search her. The female officer took [REDACTED] property home.

Officer HAYS then took [REDACTED] out of the police car, unhandcuffed her and said he needed to search her. She held her hands down at her side and Officer HAYS stood behind her. Officer HAYS began to touch her breast with the palm of his hand in a rubbing motion. [REDACTED] felt awkward about the officer touching her. He then told [REDACTED] to lean forward. He grabbed the underwire of her bra and shook it. Her breast came out of the top of her shirt, exposing her breast. Officer HAYS said, "Oops." [REDACTED] immediately put her breast back inside her shirt. Officer HAYS never touched her bare breast. Officer HAYS, who was now standing to her side, told her to pull her bra out and shake it. Nothing fell out of her bra.

[REDACTED] then told Officer HAYS she had drugs on her because she knew she would get in trouble when she got to jail. [REDACTED] VA had the drugs concealed in her girdle. She reached in, retrieved it and gave it to Officer HAYS.

On the drive downtown, Officer HAYS told [REDACTED] that one time a female offered to "suck his penis" to get out of going to jail. [REDACTED] told Officer HAYS that people are crazy and to just take her to jail. [REDACTED] had no idea why Officer HAYS told her that.

Officer HAYS said

He responded to the K-mart to take custody of a shoplifter. Officer HAYS identified the person he took into custody as [REDACTED]

Officer HAYS said when he arrived at the Loss Prevention Office, [REDACTED] was not in handcuffs. He said he did not search or pat down [REDACTED] in the office. The only thing he checked was [REDACTED]'s purse and he did not recall finding anything illegal in the purse. He then said he did not recall searching or patting down [REDACTED]. I confronted Officer HAYS with the fact that [REDACTED]

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██████████ and ██████████ all said he searched ██████████ in the office and verbalized it as he did so. He told me he had no independent recollection of that.

Officer HAYS agreed that if ██████████ ██████████ and ██████████ all said he explained the search out loud as he did the search that would be consistent with his regular practice. Officer HAYS said ██████████ told him ██████████ might be hiding narcotics on her left side (he was pointing to his waistband). Officer HAYS was not sure if this conversation took place in the office or outside. ██████████ did not tell him that ██████████ saw ██████████ with drugs in her hand.

Officer HAYS told me he believed he handcuffed ██████████ before walking her out to his police vehicle. ██████████ also came outside, but Officer HAYS was unsure if ██████████ came out. Officer HAYS did not put ██████████ in his vehicle once they got outside. He wanted to question ██████████ about the narcotics she might be concealing on her. ██████████ denied she had any drugs on her person. Officer HAYS said he told ██████████ that she should hand over the narcotics to him or he would get a female officer to come search her.

Officer HAYS said he did not have to call a female officer for a search because ██████████ confessed to him that she had narcotics on her. Officer HAYS said he unhandcuffed ██████████ because she was going to retrieve and hand him the narcotics. She then reached into her left waistband area and pulled out a baggie of narcotics. Officer HAYS asked if she had any more and she said she had some additional baggies. Officer HAYS asked ██████████ to give them to him, which she did.

Officer HAYS then placed ██████████ back in handcuffs and placed her in his patrol vehicle. A female officer arrived at that point and transported ██████████ property home. Officer HAYS did not recall if the female officer offered to search ██████████. I told him the female officer said she did offer and he declined. I asked him why he would decline. He said he felt like he had enough evidence against ██████████ that he did not need anything else. He said he should have allowed the female to search to make sure ██████████ did not have additional narcotics, a gun, or something else.

I asked Officer HAYS why he did not have the female officer conduct a more thorough search of ██████████ after ██████████ had just taken narcotics out of her pants. He replied, "I didn't think about it." He agreed he could not have been sure that ██████████ had given him all of the narcotics that she had on her. All of this occurred after ██████████ walked away and the store had closed.

Officer HAYS said he did not recall if he searched or patted down ██████████ when they were outside of the store. He said he did not grab ██████████ A's bra and pull it away from her body nor did he shake her bra to see if anything would fall out. Officer HAYS said ██████████ did shake her bra out, but not at his request. This is the location where he believes she removed the second quantity of narcotics (he said the narcotics fell on the ground). Officer HAYS said he never touched ██████████ breasts during this incident nor did he see her breasts.

I asked Officer HAYS to explain the excerpt from his report where he stated that ██████████ was reaching into her bra if she was handcuffed during this time (this was prior to the discovery of the narcotics). He said he never wrote in his report that ██████████ was handcuffed. I advised him that

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he had just told us she was handcuffed up until the point that he removed the handcuffs to allow her to recover the narcotics. Officer HAYS said he could not now remember if he did handcuff [REDACTED] inside the store or not.

Officer HAYS told me that no one has ever offered to give him a blowjob or perform any other sexual act on him to get out of going to jail. He said he did not have a discussion on that topic with [REDACTED] while they were driving to jail.

Captain JARVIS said

He called Officer HAYS and notified him that his police powers were being taken from him and he was being suspended because of a pending investigation. Officer HAYS became distraught and started sobbing. He had trouble speaking and asked why this was happening. Captain JARVIS told him it was a serious allegation. Officer HAYS said, "If I just quit right now will this all go away?" Captain JARVIS told him it would not.



Officer HAYS said

He said he was at home at the time he received a call from Captain JARVIS. Officer HAYS said he was not provided any details about the investigation but Captain JARVIS told him he was removing his police powers. Officer HAYS agreed that he asked Captain JARVIS, "If I just quit, will this all go away?" I asked Officer HAYS why he would say that. He replied, "I was just done. I had no idea what was going on." He said he was crying and he could not speak after Captain JARVIS told him. He said he wanted everyone to just leave him alone. He assumed someone had said something "bad" about him that led to his police powers being removed. He stated that he said that because he wanted to "just go away from it all." He told me that he had no idea what it could be about.

[REDACTED] said

Officer HAYS was at [REDACTED] house to investigate a domestic violence incident. Officer HAYS was alone with her in the house after all the other officers left. She noticed Officer HAYS was staring at her breasts. [REDACTED] asked him why he was looking at her breasts. [REDACTED] put her arms in front of her breasts. One of her breasts and nipple accidentally came out of the top of the shirt. She did not want Officer HAYS to see her breast. She immediately pulled her shirt up to cover her breast. Officer HAYS smiled and he gave her a hug. She said she put her arms around him too but quickly let go. [REDACTED] did not know if he was being nice or if he just wanted to feel her breasts. Officer HAYS then pulled his penis and testicles out of his pants and moved it around. It appeared he had an erection. Officer HAYS looked at [REDACTED] [REDACTED] was shocked and offended that he did that. [REDACTED] pointed at his penis and said, "oh my God." Officer HAYS walked closer to her. [REDACTED] believed Officer HAYS may have wanted a "blowjob" or for her to touch his penis because why else would he expose his erect penis to her. [REDACTED] never considered doing anything sexual with Officer HAYS. Officer HAYS put his penis back in his pants and left.

[REDACTED] was afraid if she reported him he would retaliate and harass her.

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Sergeant EVANS said

While at [REDACTED] house, he told Officer HAYS to obtain a case number and provide [REDACTED] with the domestic violence paperwork. He told Officer HAYS to return to Mid-City to complete the report and have it approved since it was nearing the end of the shift. All the officers except Officer HAYS left [REDACTED] residence. When Sergeant EVANS left, Officer HAYS was in his car obtaining a case number.

When Officer HAYS returned to the station about 45 minutes later, he told Sergeant EVANS that [REDACTED] grabbed his genitals when he went back into her house to provide her with the paperwork. Officer HAYS said when he went into her house, [REDACTED] was crying and telling him she had breast cancer. [REDACTED] pulled out one of her breasts and showed him. Officer HAYS told her to cover herself, that he did not want to see that. Officer HAYS patted her on the shoulder and told her it would be okay. [REDACTED] started to caress Officer HAYS' arm in a "sexual manner." Officer HAYS said [REDACTED] stood up to try to hug him and at the same time grabbed his genital area with her hand. Officer HAYS said he stepped back and told [REDACTED] not to do that. Officer HAYS gave [REDACTED] the domestic violence paperwork and left.

Sergeant EVANS relayed Officer HAYS' story to Lieutenant BROWN. She told him to have Officer HAYS write a report as to what happened and give that report to Officer HAYS' sergeant (Sergeant MCKEAN).

Officer HAYS said

Officer HAYS resigned prior to being interviewed about the [REDACTED] incident. However, he did write an incident report detailing the event.

In the incident report Officer HAYS stated, "[REDACTED] insisted I walk inside her residence so her neighbors would not see what was going on." "She began to cry and placed her arms around me in a hug. I patted her on the back and told her everything was ok and told her that she needed to let go of me. She started rubbing my arm in a sexual manner. I said, 'Please stop touching me and you need to sign this domestic violence form for me.'" "I was telling [REDACTED] about the services provided to domestic violence victims when [REDACTED] lifted her shirt up exposing both of her breasts to me saying, 'See this is what they gave me. Don't they look good?' I told [REDACTED] to stop and that it was very inappropriate." "As I was stepping backwards I felt her hand grab me by my penis and testicles. While she had a hold of my groin, she rubbed them in a stroking method."

[REDACTED] said

Officer HAYS contacted [REDACTED] when her car broke down in the area of Harbinson and El Cajon Boulevard. Officer HAYS told her since she had been drinking he could take her to jail. Officer HAYS said he would not take her to jail if she would, "go down on him." [REDACTED] did not believe she did anything wrong, but she did not want to go to jail so she agreed to give him oral sex. When they arrived at [REDACTED] house he parked in front on the street. Officer HAYS unzipped his pants and pulled out his penis. [REDACTED] leaned over from the passenger seat and gave Officer

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HAYS oral sex while sitting in the front seat. Officer HAYS ejaculated in [REDACTED]' mouth. [REDACTED] opened the passenger door and spit it out. She did not notice if any seaman got inside the car. Officer HAYS put his penis back in his pants and zipped it up. [REDACTED] got out of the car and went into her house.


[REDACTED] did not report Officer HAYS because she did not feel anyone would believe her since she has been arrested before.

Officer HAYS resigned prior to being interviewed about the [REDACTED] incident.

There are significant discrepancies between the accounts of the female witnesses and that of Officer HAYS. However, on numerous occasions during Officer HAYS' interview, he was not credible. He also admitted to being untruthful.

Officer HAYS described in his interview numerous instances where he engaged in improper police procedure or he took actions inconsistent with common police practice. Officer HAYS indicated that his intent was to be nice, helpful, and to "build bridges with the community." Nonetheless, many of his activities afforded him the opportunity to have contact with women where no witnesses or other individuals were present. For example:

- In his Internal Affairs interview, Officer HAYS said he offered to give [REDACTED] money for the trolley so he could get home. This practice is unusual because of the number of domestic violence incidents that officers respond to and the cost that would be associated with routinely providing money to individuals.
- Officer HAYS said he provided courtesy rides to [REDACTED] [REDACTED] [REDACTED] and [REDACTED]. He said he does this to be nice and "build bridges with the community." This is not normal police practice. In fact, even [REDACTED] acknowledged that it was her belief that police officers are not a "taxi service."
- Officer HAYS was unusually concerned about [REDACTED] welfare. He stated he wanted to make sure [REDACTED] got home safely and then make sure someone was there to take care of her. Officer HAYS indicated several times that he was very intent on speaking to [REDACTED] roommate once he got her home. Once Officer HAYS was inside [REDACTED] apartment, he asked [REDACTED] where her roommate was and she directed him to the bedroom. When Officer HAYS realized the roommate was not in the bedroom, they went to the kitchen. Officer HAYS made no attempt to turn on any lights. When he did locate the roommate ([REDACTED]) he could not describe anything other than her gender based solely on her voice. The roommate was sleeping on the sofa in a one bedroom apartment.
- Officer HAYS stated that [REDACTED] was 647f (drunk in public), but he did not want to take her to jail or Detox. He said he would not have taken her home if she lived alone. Instead, he would have called his sergeant for direction. Under normal circumstances, there would be no reason to need advice from a supervisor, based solely on the fact that she lived alone. If Officer

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HAYS had been following appropriate police procedures, his concern about her living alone was unwarranted.

- Officer HAYS said he contacted [REDACTED] because she was loitering in a high prostitution area and she was crying. During his interview, he linked loitering and crying as a reason for the contact. His assertion that she was loitering seemed to be an attempt to over-justify his desire to speak with her when his actual purpose should have been to check her welfare because she was crying.
- Officer HAYS said he stayed to talk with [REDACTED] after the ride because he wanted to get to know her and try to help her. He said they talked for twenty to thirty minutes. Originally he said he did not want to arrest her for being under the influence of drugs. For no apparent reason, Officer HAYS suddenly changed his mind and asked [REDACTED] if he could search her. He said during his interview it would be an easy felony arrest if she had narcotics in her possession. This contradicted his initial stance that he only wanted to help [REDACTED] and putting her in jail was not going to accomplish that. During his search of [REDACTED] Officer HAYS said he swiped the back of his hand across [REDACTED] chest, implying it was done carelessly. This was an improper search technique and was not done with a witness present.
- Officer HAYS said he explained to [REDACTED] in the parking lot by her residence the differences between how male officers and female officers search females. He then claimed he offered the explanation not because he searched [REDACTED] but because it came up in another conversation they were having. When asked again if he touched [REDACTED] or searched her, Officer HAYS said he did not recall.
- Officer HAYS said [REDACTED] told him that people go behind the smoke shop to smoke dope. Officer HAYS said he backed his vehicle into the area behind the smoke shop to check for narcotics activity. [REDACTED] followed him behind the building and into the lot where he backed his vehicle. Officer HAYS did not notify dispatch or request a cover officer before going behind the building to check on the possible criminal activity. Additionally, he allowed a citizen to be put in possible danger by allowing her to follow him behind the smoke shop.
- According to Officer HAYS, he unhandcuffed [REDACTED] so she could turn over narcotics to him that she had hidden in her clothing. Officer HAYS did not call for a female officer to conduct the search. When a female officer showed up at the scene to handle another related matter, Officer HAYS said he did not have the female officer search [REDACTED]
- Sergeant EVANS instructed Officer HAYS to provide [REDACTED] with a case number and a Domestic Violence information sheet. Approximately forty-five minutes later Officer HAYS met with Sergeant EVANS at the station and relayed an incident to Sergeant EVANS that he had been sexually battered by [REDACTED] Officer HAYS wrote an Arjis-9, at Sergeant EVANS' direction, that [REDACTED] reached out and "grabbed me by my penis and testicles. While she had a hold of my groin she rubbed them in a stroking method." This statement leads the reader to believe there was skin-to-skin contact and Officer HAYS' penis and testicles were exposed.

In Officer HAYS' Internal Affairs interview, he said that some of the women engaged him in conversations that included sexual content for no apparent reason. There was no legitimate law enforcement purpose for any conversation of a sexual nature. For example:

- In Officer HAYS' Internal Affairs interview he admitted to having a twenty to thirty minute conversation with [REDACTED] to get to know her and help her with her drug problem. During that conversation, [REDACTED] volunteered information to him about her enjoyment of sex and that her Vietnamese boyfriend was the only person who could satisfy her sexually. Although he denies engaging in the sexual portion of the conversation, it is difficult to believe she would volunteer this information on her own.
- Immediately after contacting [REDACTED] Officer HAYS asked her about her boyfriend. They spoke about [REDACTED] boyfriend again after he dropped her off. Officer HAYS said [REDACTED] left and later returned to tell him she was pregnant and asked him if it was wrong that she had cheated on her boyfriend.

Officer HAYS made statements that indicated he had a sense of guilt about his contacts with the female witnesses. For example:

- During his Internal Affairs interview, Officer HAYS described a positive interaction with [REDACTED] which included her offering him cookies and her phone number. When asked during his Internal Affairs interview why [REDACTED] would ask him to call her, he said he did not know, but it annoyed him. He stated he just wanted to go home and see his family. Officer KASHOUTY had a conversation with Officer HAYS shortly after Officer HAYS left [REDACTED] residence. During that conversation, Officer HAYS put his head down and shook his head. He was hesitant and appeared remorseful. Officer KASHOUTY recalled Officer HAYS said something like, "Man, that just went kinda bad." Officer HAYS told Officer KASHOUTY that he believed [REDACTED] was going to file a complaint against him. His comments during his interview and those he made to Officer KASHOUTY are conflicting in that he first he describes a positive interaction and then he alludes to something having gone wrong. This leads one to believe that [REDACTED] account is more accurate.
- When Captain JARVIS called Officer HAYS to place him on administrative leave, Officer HAYS asked Captain JARVIS, "If I just quit right now, will this all go away?" His question indicates a sense of guilt, especially in light of the fact that Officer HAYS admitted he had no idea what the investigation was about.

Officer HAYS admitted to being untruthful during his Internal Affairs interview. For example:

- Officer HAYS initially said he knocked on the door to [REDACTED] residence. He later admitted he did not knock on the door and he was being untruthful.
- Officer HAYS admitted that the notes he put on the CAD incident in regards to helping [REDACTED] make contact with her roommate were untruthful.

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- When asked during his interview if he knew [REDACTED] was a drug user or a prostitute, Officer HAYS said he did not. He subsequently admitted that he had run [REDACTED] criminal history several weeks earlier when he had arrested her. He said her criminal history showed prior arrests for prostitution and narcotics. The two statements were in direct conflict.

Alternately, the female witnesses in this investigation appear both credible and consistent in regards to their version of the events that took place during their individual contacts with Officer HAYS. Despite the fact that some of the females have criminal history, their statements are supported by evidence including CAD and AVL data, and other witnesses.

- There is no evidence that the women's version of events have been embellished or exaggerated. In fact, when asked by investigators about whether more serious acts of misconduct by Officer HAYS took place other than what they originally reported, each of the women has remained consistent with their original account.
- The versions of events related by the witnesses have been substantiated by CAD and AVL information as it relates to time estimates and location. For example, [REDACTED] was asked during her Sex Crimes Unit interview to indicate on a satellite map specific locations where Officer HAYS' vehicle was parked at different points in time during their contact. The information provided by [REDACTED] when compared to the AVL data plotted on a map, was a near perfect match. On the other hand, Officer HAYS recollection of the events was noticeably flawed.
- [REDACTED] [REDACTED] and [REDACTED] did not come forward regarding their allegations of misconduct by Officer HAYS. All three of these witnesses were sought out by the San Diego Police Department Sex Crimes Unit and questioned regarding what had occurred with Officer HAYS. Each of them reported that they did not report Officer HAYS' misconduct because they believed their criminal background or "station in life" would prevent them from being believed.
- Each of the witnesses, independent of each other, described similar circumstances having occurred during their contact with Officer HAYS. Some of those similarities are very unique including statements that Officer HAYS engaged the witnesses in discussion regarding sex or their boyfriends.

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There are striking similarities in terms of Officer HAYS' behavior detailed in the statements of these six women. In order to get a better visual representation of the common incident characteristics, a table has been created which shows the similar conduct by Officer HAYS across all six incidents. This table was formulated using the statements from the female witnesses. A red box indicates that event was reported by the witness.

ACTIONS						
Erection						
Explained male vs. female searches						
Demonstrated male vs. female searches						
Asked/Had victim touch him						
Courtesy ride						
No search before courtesy ride						
No witness present during search/pat down						
Spoke to/talked about boyfriend						
Self-initiated contact						
Lengthy conversation after ride						
Sex talk						
Exposed penis						
Touched victim's breasts (over clothing)						
Touched vaginal area						
Search/pat down after ride						
Asked if anyone at residence/lived alone						
Bra shake						

██████████ and ██████████ stated that Officer HAYS explained to them how male officers search females and how female officers search females. Officer HAYS said he explained to ██████████ the difference but did not demonstrate it. He said the topic was brought up because they were having a conversation about a female officer searching her during her previous arrest. Additionally, Officer HAYS was previously aware of ██████████ extensive arrest history. Common sense would conclude she had been searched many, many times before and for Officer HAYS to feel the need to explain to her the difference in searches is illogical.

According to ██████████ and ██████████ Officer HAYS actually demonstrated both ways of searching on them. Officer HAYS denied this. During the demonstration of the "female officer way," ██████████ and ██████████ said Officer HAYS rubbed and/or squeezed their breasts and vagina. ██████████ said Officer HAYS had an erection while he was grabbing her breasts and vaginal area. Officer HAYS said he did not recall if he searched ██████████ but denied he squeezed her breasts or rubbed her

vagina. He also denied he had an erection while searching [REDACTED]. He did state he searched [REDACTED]. He said she "did not have breasts" so he "quickly swiped" the back of his hand over her chest during the search. He denied that he came all the way up to the vaginal area during his search of her groin area.

[REDACTED] and [REDACTED] stated that during the contact, Officer HAYS told them to touch him and he had an erection. [REDACTED] said while Officer HAYS was in her bedroom, he thrust his hips towards her and said, "Touch it." She said Officer HAYS had an erection and she assumed he wanted her to touch his penis (over his pants). [REDACTED] did not touch him. [REDACTED] stated that after searching her, Officer HAYS told her to search him. [REDACTED] said she barely touched him and did it quickly to get it over with. Officer HAYS denied he told [REDACTED] or [REDACTED] to touch him. He also denied he had an erection during his contact with [REDACTED]. [REDACTED] said Officer HAYS told her she could get out of going to jail by giving him oral sex. During this stop, she said Officer HAYS pulled his erect penis from his pants. [REDACTED] said during her contact with Officer HAYS, he pulled his erect penis out of his pants and moved it around. It is not reasonable to believe that [REDACTED] and [REDACTED] coincidentally fabricated that Officer HAYS had an erection during their contact with him.

[REDACTED] and [REDACTED] were all given "courtesy rides" by Officer HAYS, which he acknowledged. During his contact with [REDACTED] he was able to separate her from [REDACTED] by telling him to leave the area. Officer HAYS was now alone with [REDACTED] and offered to provide her with a "courtesy ride" home, which she said she never asked for and did not want. Officer HAYS stated he had to ask [REDACTED] a couple of times before she finally accepted his ride. [REDACTED] was alone when Officer HAYS contacted her. He offered [REDACTED] a ride home, which she said she gladly accepted. [REDACTED] was alone when Officer HAYS contacted her at the bus stop. She stated he offered her a "courtesy ride" which she refused. He kept repeatedly asking and she felt he would not leave her alone until she accepted, which she finally did. She did not want a ride from Officer HAYS. Officer HAYS said he offered [REDACTED] a ride and she gladly accepted. [REDACTED] said Officer HAYS offered her a ride home after he towed her car. She gladly accepted his ride. Both [REDACTED] and [REDACTED] said they repeatedly turned down Officer HAYS' offer for a courtesy ride, but he kept insisting to the point where they felt they had no other option but to accept.

Prior to getting into Officer HAYS' police car for the "courtesy ride," Officer HAYS did not pat down [REDACTED] or [REDACTED]. Officer HAYS said he patted down [REDACTED] because he said no one goes in a police car without being patted down first, yet he had no explanation as to why he did not pat down [REDACTED] and [REDACTED].

[REDACTED], [REDACTED], and [REDACTED] all stated Officer HAYS searched them without another officer present. Officer HAYS acknowledged he patted down/searched [REDACTED] and [REDACTED] without another officer present. [REDACTED] said Officer HAYS searched her behind the smoke shop. Officer HAYS said he did not recall searching [REDACTED] but he was the only officer present during his contact with her. He said he did not search [REDACTED] when he was alone in the Kmart parking lot and she told him she had drugs on her. Instead, he said he unhandcuffed her so she could retrieve the narcotics. [REDACTED] said Officer HAYS unhandcuffed her then he searched her. When he did

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not find the drugs, [REDACTED] retrieved them herself and gave them to Officer HAYS. Officer HAYS violated Department Policy by searching females without a witness.

[REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] all stated Officer HAYS engaged them in sexual conversations. [REDACTED] stated when they were in her bedroom, Officer HAYS told her to put on her pajamas and to "touch it," referring to his penis. Officer HAYS denied this. [REDACTED] stated that during her contact with Officer HAYS, he told her how he would have sex with her by grabbing her hair from behind. He also asked the color of her underwear. Officer HAYS denied this and said he never brought up the topic of sex with [REDACTED]. He said [REDACTED] told him she loved sex and that her boyfriend was the only one who could satisfy her. [REDACTED] stated Officer HAYS said her breasts were big and sexy and her "pussy was fat." He also told her he has always "had a thing for black girls." Officer HAYS denied this. [REDACTED] said Officer HAYS told her a female prisoner had offered to "suck his penis" to get out of going to jail. Officer HAYS denied he told [REDACTED] this. Approximately one year prior to Officer HAYS' making this statement to [REDACTED], the scenario he described about oral sex with a prisoner allegedly took place with [REDACTED]. During his contact with [REDACTED] she said Officer HAYS told her she could get out of going to jail if she orally copulated him, which she claimed she did.

[REDACTED] [REDACTED] and [REDACTED] stated Officer HAYS conducted some sort of search after he provided them with the "courtesy ride" home. [REDACTED] said while in her bedroom, Officer HAYS told her to pull her bra out and shake it for his safety. [REDACTED] thought it was strange, but she did it. He then told her to lift up both of her shirts and she did because she was fearful he would get angry or physical. Officer HAYS denied this. [REDACTED] said Officer HAYS told her he needed to search her. [REDACTED] believed there would be problems if she told Officer HAYS he could not search her, so she consented. After the search, she said Officer HAYS told her she could have refused. Officer HAYS said he asked to search [REDACTED] after taking her to her residence and dropping her off because he wanted to see if she had any narcotics on her. He said he told her prior to the search she could refuse, but she gave him permission anyways. [REDACTED] said Officer HAYS told her he forgot to pat her down. He directed her behind the smoke shop and searched her. Officer HAYS did not recall if he searched [REDACTED] after dropping her off, but he said he went behind the smoke shop because [REDACTED] told him people use narcotics there. He said [REDACTED] followed him behind the smoke shop.

[REDACTED] and [REDACTED] both said Officer HAYS asked them if anyone was home at their residence. [REDACTED] said Officer HAYS asked her if she lived alone and she told him she did. He also asked if [REDACTED] had a key to her apartment and she told him he did not. When they arrived at the apartment, Officer HAYS saw [REDACTED] on the couch and said, "I thought you lived alone." Officer HAYS said he asked [REDACTED] if she had a roommate at home and she said she did. He said he asked because he wanted to be sure she was safe. [REDACTED] said after dropping her off at the house, he asked her if anyone was inside. She told him they were probably sleeping. Officer HAYS said [REDACTED] did not want him to make contact with anyone inside the house.

[REDACTED] and [REDACTED] stated Officer HAYS either pulled out their bra and shook it or he instructed them to do so. [REDACTED] said Officer HAYS told her to pull her bra out and shake it to make sure nothing was in it. [REDACTED] complied. Later, in her bedroom, Officer HAYS told her to pull her bra out and shake it for his safety and she complied. Officer HAYS denied asking [REDACTED] to pull her bra out and shake it. [REDACTED] said while being searched in the Kmart parking lot, Officer HAYS

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grabbed the underwire of her bra and shook it. Officer HAYS then told her to pull her bra out and shake it and she complied. Officer HAYS denied this occurred.

Officer HAYS denied any inappropriate touching of [REDACTED] [REDACTED] [REDACTED] and [REDACTED]. However, their statements, in addition to the statements of [REDACTED] and [REDACTED] in some ways, are jarringly similar. It is not reasonable to believe that six women, who apparently do not know each other, could randomly fabricate the similar actions of Officer HAYS if they were not true. Additionally, the similarities are not common accusations citizens make against police officers.

When the totality of the circumstances are considered, along with the credibility of all the witnesses, it is more likely that the accounts of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] VIS are accurate and true.

Officer HAYS insisted on giving [REDACTED] a ride home even after she declined his multiple offers. Officer HAYS followed [REDACTED] into her apartment and then into her bedroom. He told her to shake out her bra and lift up her shirt. In doing so, [REDACTED] breasts were exposed. Officer HAYS then thrust his hips forward and told [REDACTED] to "touch it," referring to his penis. Officer HAYS had a noticeable erection. Officer HAYS committed the following criminal act against [REDACTED]

California Penal Code Section 236 states:

False imprisonment is the unlawful violation of the personal liberty of another.

California Penal Code Section 236.1 (h) (3) and (4) define the following:

"Deprivation or violation of the personal liberty of another" includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

"Duress" includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed.

Officer HAYS drove [REDACTED] home and then conducted a search of her. During the search, Officer HAYS rubbed his hands over [REDACTED] vaginal area, her buttocks, and her breasts. All of the contact took place over the top of [REDACTED] clothing. Officer HAYS committed the following criminal act against [REDACTED]

California Penal Code Section 243.4(a) states:

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person

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touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Officer HAYS drove [REDACTED] home and then conducted a search of her. During the search, Officer HAYS cupped [REDACTED] breasts and vaginal area over her clothing. Officer HAYS had a noticeable erection. Officer HAYS committed the following criminal acts against [REDACTED]

California Penal Code Section 236 states:

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"Deprivation or violation of the personal liberty of another" includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

"Duress" includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed.

California Penal Code Section 243.4(a) states:

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Officer HAYS conducted a search of [REDACTED] after arresting her for shoplifting. During the search he rubbed one of her breasts over her clothing. He then had [REDACTED] lean forward at which point he grabbed the underwire of her bra and began to shake it. This caused one of her breast to become exposed. Officer HAYS committed the following criminal act against [REDACTED]

California Penal Code Section 243.4(a) states:

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

This allegation is **SUSTAINED**.

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On February 18, 2014, Officer HAYS was criminally charged by the District Attorney's Office with two counts of felony false imprisonment by menace ([REDACTED] and [REDACTED] and three counts of misdemeanor sexual battery ([REDACTED] and [REDACTED]

Although Officer HAYS has not been charged with crimes against [REDACTED] and [REDACTED] their statements show a similar pattern of conduct by Officer HAYS.

2. CONDUCT (UNTRUTHFULNESS)-SUSTAINED

Officer Christopher HAYS was untruthful in his Internal Affairs interview and he knowingly falsified information on a CAD incident.

Officer HAYS said

I asked Officer HAYS about the CAD notes he added on December 23, 2013 at 0607 hours where he said he assisted [REDACTED] in waking up her roommate to let her in the house. Officer HAYS said he knocked on the door. I told him I didn't believe he knocked on the door. I asked him again if he knocked on the door. He paused and then said, "No, I didn't knock on the door." I asked Officer HAYS if he was untruthful with me when he told me he had knocked on the door to [REDACTED] residence. He replied, "I would say yes."



I asked Officer HAYS if the note he wrote on the CAD incident, "...and assisted her in waking her roommate up to let her in the house" were accurate. He said the note was not accurate. He said, "There was no reason why I should have even put that on there." I asked him if he was untruthful when he put that comment on the CAD. He replied, "Yes."

San Diego Police Department Policy 9.29 (Truthfulness Policy) states:

Members shall be truthful in all matters relating to their duties.

Upon the order of a superior, or any officer appointed by the Chief of Police to conduct internal investigations, and in accordance with Constitutional and contractual guarantees, including a right to representation, members shall truthfully answer all questions specifically directed and narrowly related to their scope of employment and operations of the Department.

Officer HAYS admitted he was untruthful when he entered the comment on the CAD incident, "...and assisted her in waking her roommate up to let her in the house." In his interview, Officer HAYS admitted he did not knock on [REDACTED] door and was untruthful when he said he did. This allegation is **SUSTAINED**.

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3. CONDUCT-SUSTAINED

Officer Christopher HAYS failed to perform his duties per the Department's Policies and Procedures.

1. Officer HAYS volunteered to respond to a burglary-in-progress. It was seventeen minutes before he left [REDACTED] residence and drove towards the call.

Officer HAYS said

He said he believed it was three or four minutes after he volunteered for the burglary-in-progress call that it took him to start driving there. I told Officer HAYS that AVL showed he did not leave [REDACTED] residence until 0019 hours, which was seventeen minutes after he volunteered to go to the call. I asked him if it was correct that he did not leave for seventeen minutes that would be very different than his original estimate of three to four minutes. He agreed. He also agreed that with a hot call an officer would want to leave for the call after only a couple of minutes rather than seventeen minutes. Officer HAYS said he had no explanation for why it took him seventeen minutes to leave [REDACTED] residence. In his opinion, seventeen minutes was an excessive amount of time to leave [REDACTED] residence if the AVL information is accurate.

Sergeant BASSETT asked Officer HAYS if it was more important, at that time, for him to talk to the roommate than to go to the hot call. He said it was because he needed to clarify why he was there and he needed to explain everything to the roommate.

2. Officer HAYS failed to complete a detention report or field interview on [REDACTED]

Officer HAYS said

He detained [REDACTED] by handcuffing him and placing him in his police vehicle. Officer HAYS said he did not complete a detention report of [REDACTED], but he did write his name down on a field interview pad. He could not recall if he wrote down [REDACTED] information on a specific field interview slip and turned that slip in.

Officer HAYS said the minimum required documentation for a detention is a field interview.

A check of CRMS and COPLINK revealed no field interview for [REDACTED]

San Diego Police Department Policy 4.01 IV.B.6. (Stop/Detention and Pat Down Procedures), dated November, 22, 2011, states:

In cases where a subject is detained and released at the scene, without being transported away from that scene, the "contact officer" shall complete a Field Interview (FI) form (ARJIS-1). The contact officer shall document in the FI those facts that led to the reasonable suspicion required to detain the subject. The contact officer shall log the FI on his/her Officer's Daily Journal.

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3. Officer HAYS displayed his lack of desire to take custody of [REDACTED] when speaking with Kmart LPO [REDACTED]

Officer HAYS said

I asked Officer HAYS if he asked LPO [REDACTED] why he called the police. He replied, "No." Officer HAYS said he did talk with [REDACTED] about how most LPO's will just issue a civil demand notice to a person they take into custody near the close of the business. Officer HAYS told me this has happened to him a couple of times. Officer HAYS said he was trying to figure out the reason he was at this call. Sergeant BASSETT asked Officer HAYS if he was trying to get rid of the call or "K" it. He replied, "I was definitely trying to get rid of the person (arrestee)." She asked him, "You thought this was a waste of your time?" Officer HAYS stated, "I did."

4. Officer HAYS searched females without witness officer.

[REDACTED] [REDACTED] said

After they were alone, Officer HAYS told [REDACTED] he was going to have to pat her down before she got into his car for his safety. [REDACTED] was okay with that. She recalled Officer HAYS checked her legs and waist band.

[REDACTED] [REDACTED] said

After dropping [REDACTED] off at her residence and while they were alone, Officer HAYS patted her down in the area of her breast, groin and buttocks.

[REDACTED] [REDACTED] said

After he dropped [REDACTED] off in front of her residence and while they were alone, Officer HAYS told her he forgot to pat her down. Officer HAYS patted her down in the area of her breast and groin.

[REDACTED] [REDACTED] said

After they were alone, Officer HAYS took [REDACTED] out of the police car, unhandcuffed her and said he needed to search her. She held her hands down at her side and Officer HAYS stood behind her. Officer HAYS patted her down in her breast area.

Officer HAYS said

He patted down [REDACTED] for his safety prior to putting her in his car. He searched [REDACTED] for drugs after they arrived at her residence. He did not recall if he searched [REDACTED] during the contact.

He said he did not recall searching or patting down [REDACTED] I confronted Officer HAYS with the fact that [REDACTED] [REDACTED] and [REDACTED] all said he searched [REDACTED] in the office. He told me he had no independent recollection of that. Officer HAYS said he did not recall if he searched or patted down [REDACTED] when they were outside of the store.

Sergeant BASSETT asked Officer HAYS if he was familiar with the Department policy regarding male officers searching females. He responded, "Not too 100% on it." Sergeant BASSETT then read him the policy. Officer HAYS agreed that there was no witness officer present during his pat downs of [REDACTED] and [REDACTED]. He also stated that he did not know the search/pat down policy perfectly, but agreed it would be something that he should know to avoid perceived allegations of misconduct.

San Diego Police Department Policy 4.01 IV.C. (Pat Down Procedures), dated November 22, 2011 defines a "pat down" as:

A limited search for the purpose of finding weapons or other instruments that could be used against an officer.

San Diego Police Department Policy 6.01 VI.D. (Searching Procedures), dated October 25, 2013 states:

Male officers should make every effort to have a female officer search a female prisoner. If it is obvious that a female prisoner has a concealed weapon, a male officer may retrieve it if no female officer is immediately available. If a female officer is unavailable, a male officer may search a female prisoner provided a witness officer is present. The searching technique will incorporate the back and edge of the male officer's hand when searching the chest and groin areas.

5. Officer HAYS failed to submit official police documents, and instead, stored them in his Department locker.

Officer HAYS said

I asked him why citation #Y1332301 which he wrote on November 16, 2012, and was returned to him on December 24, 2012, was in his locker. I advised him that the citation had been in his locker for over a year. I asked him if there was any reason the citation should be in his locker. He replied, "No. I totally forgot it." I asked him if he understood that Department procedure required him to complete citation corrections or have the citation voided/dismissed and not just throw it in his locker. He said, "Yes."

I asked him if he had an explanation for why citation #Y1403122 which he wrote on June 13, 2013, and was returned to him on June 26, 2013, was in his locker. He responded, "No." I asked him if the citation should have been corrected or voided and turned in. He replied, "Yes."

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San Diego Police Department Policy 7.01 III.D.8.B. (Traffic Enforcement Procedures), dated August 16, 2013 states:

When an issuing officer determines that an error has been made and a citation correction is needed, the issuing officer MUST complete a Citation Correction Notice (PD-494) in triplicate. The original and one copy will be attached to the front of the citation and returned to Records, Citation Processing (MS 703). The issuing officer shall mail the remaining copy of the correction notice to the defendant.

The preceding policy dated May 16, 2012 stated the same as above.

I asked Officer HAYS why field interview #2468332 ([REDACTED]) DOB: [REDACTED] that he completed and journalized on October 13, 2013, was not turned in. He replied, "Because I did not finish filling it out." I asked him if this was a field interview slip that he should have turned in. He answered, "Yes." I asked him if Department procedure requires him to submit field interview slips to Records with a second copy going either to his command or a more appropriate investigative body. He answered, "That is correct." He agreed it would be inappropriate for him to store the field interview slip in his locker.

I asked Officer HAYS why field interview #2659403 ([REDACTED]) DOB: [REDACTED] that he completed and journalized on October 22, 2013, was not turned in. He replied, "I just set it there (locker) and forgot I had it in there." I asked him if this was a field interview slip that he should have turned in. He answered, "That is correct."

San Diego Police Department Policy 6.03 V.B. (Field Interview Report), dated September 07, 2012, states:

Distribution (of Field Interviews):

1. Completed forms will be turned in at end of shift.
2. Original (white) - routed to Records Division for data entry and filing.
3. Yellow copy - routed to the appropriate investigative unit/section.
4. Gold copy – may be retained by interviewing officer while conducting an investigation. Officers are not permitted to maintain personal files of Field Interviews and unneeded gold copies should be placed in shred bins for disposal.

San Diego Police Department Policy 4.13 III.A. (Retention/Custody of Officer Notes/Documents and Other Evidence), dated June 14, 2013 states:

The following are the only authorized justifications for personal custody of documents/evidence:

1. Documents mass distributed to members of the Department (i.e., Training Bulletins, Safety Alerts, Department Orders, Investigative Supplementals).
2. Department files or photographs of "wanted" suspects.

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3. Photographs, reports, and recordings of current, ongoing, active investigations.

I reminded Officer HAYS that he handled a ride along by the name of [REDACTED] on November 05, 2013. I told him the ride along form was completely filled out but it was not submitted to the Mid City Ride Along coordinator after the ride along because we found the form in his locker. I asked him why the form was not turned in. He told me that [REDACTED] was a friend of his and he had set the form inside his locker and then forgot about it. I asked Officer HAYS if he understood that Department procedure required him to turn in the form for liability and tracking purposes. He replied, "I do now."

San Diego Police Department Policy 6.15 V.B.4. (Ride-Along Program), dated October 11, 2011 states:

At the conclusion of the ride-along, officers will return the completed Ride-Along Request form to the Ride-Along Coordinator.

I reminded Officer HAYS that on July 10, 2013, he completed DV Case # [REDACTED] where the victim was [REDACTED]. I told him we found the signed yellow copy of the DV Information Sheet in his locker indicating it was not forwarded to the Domestic Violence Unit. He said he must have mixed the form in with other papers in his locker and did not know it was there. He agreed that it is necessary for the DV Unit to receive the document that was found in his locker.

San Diego Police Department Policy 4.04 V.G.2. (Domestic Violence), dated January 10, 2014 states:



All copies of photo CDs and/or photographs, interoffice reports, etc. should be forwarded to the Domestic Violence Unit, MS 759, at the completion of the shift. When possible, CDs should be placed in the secured box located in the sally port computer room at Headquarters, rather than sent through inter-office mail. CDs from cases for which a suspect is in custody **SHALL** be placed in the secured box prior to the end of shift.

The preceding policy dated August 24, 2010 stated the same as above.

6. Officer HAYS failed to evaluate [REDACTED] for being under the influence of a controlled substance after she admitted to recent drug use.

Officer HAYS said

When he first contacted [REDACTED] he said she was very fidgety. He said because she was out "canning" that would be an indication she might be under the influence of drugs. Officer HAYS did not conduct any type of field evaluation to see if [REDACTED] was under the influence of drugs. He told me they did not talk about [REDACTED] drug use until after he dropped her off at her residence. When he did inquire, she told him she had used meth earlier that day. Sergeant BASSETT asked Officer HAYS why he did not conduct a drug influence evaluation on [REDACTED]

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He said, "I didn't feel it warranted one because she was at home now." Officer HAYS also admitted that he does not like doing drug influence evaluations even though he understands that is part of his job responsibilities, there is a direct correlation between criminal activity and drug use, and the Department wants him to make 11550 H&S arrests.

While at [REDACTED] residence, the majority of the conversation with [REDACTED] centered on [REDACTED] drug use. I asked Officer HAYS if this would have been a good time to conduct a drug influence evaluation since their entire conversation was based on [REDACTED] drug habits. He admitted that it would have been a good time.

Officer HAYS said he would have been willing to let [REDACTED] walk away even if she was possibly under the influence of drugs.

San Diego Police Department Policy 3.14 III. (Drug Influence Testing Procedures)

There is an evident correlation between drug use and overall involvement in crime. It is the policy of this Department that officers aggressively enforce violations of Section 11550 of the Health and Safety Code (H&S), Being Under the Influence of a Controlled Substance. Since a successful prosecution is likely to result in the imposition of a 4th Amendment waiver, it is especially important for officers to utilize the proper procedure for arrests of 11550 H&S.

7. Officer HAYS took the handcuffs off [REDACTED] so she could retrieve drugs from her pants.

Officer HAYS said

He questioned [REDACTED] about the narcotics she might be concealing on her. [REDACTED] denied she had any drugs on her person. Officer HAYS said he told [REDACTED] that she should hand over the narcotics to him or he would get a female officer to come search her.

Officer HAYS said he did not have to call a female officer for a search because [REDACTED] confessed to him that she had narcotics on her. Officer HAYS said he unhandcuffed [REDACTED] because she was going to retrieve and hand him the narcotics. She then reached into her left waistband area and pulled out a baggie of narcotics. Officer HAYS asked if she had any more and she said she had some additional baggies. Officer HAYS asked [REDACTED] to give them to him, which she did. Officer HAYS then placed [REDACTED] back in handcuffs and placed her in his patrol vehicle.

San Diego Police Department Policy 6.01 (Handcuffing, Searching and Transporting Policy) states:

Officers shall handcuff all prisoners with their hands behind them. Prisoners shall remain handcuffed whenever they are outside the confines of any jail, unless such handcuff procedure would hamper the conduct of any investigation or the physical condition of the prisoner would preclude such use.

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San Diego Police Department Policy 9.15 (Performance of Duty) states:

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by, but is not limited to, a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, or the failure to conform to work standards established for the member's rank, grade or position.

Officers shall not fail to take appropriate action on the occasion of a crime disorder or other condition deserving police attention, or be absent without leave or be unnecessarily absent from their assigned area during a tour of duty.

The following will be considered prima facie evidence of unsatisfactory performance for all members: repeated poor performance evaluations or a written record of repeated infractions of the Department's policies, procedures, directives or orders.

Officer HAYS' actions during the incidents described above indicate a lack of competency as it relates to his abilities to perform his duties as a police officer, as well as his unwillingness to perform his duties. Officer HAYS has demonstrated and admitted to continued unsatisfactory performance. Officer HAYS unhandcuffed a prisoner and allowed her to remove narcotics from her pants. Officer HAYS failed to evaluate [REDACTED] for being under the influence of a controlled substance, even after she admitted to drug use because he "does not like to do them." Officer HAYS attempted to take no action when called to Kmart on a shoplift arrest because it was a "waste of time." Officer HAYS failed to search females with a witness officer present. Officer HAYS failed to submit official police documents and stored them in his locker. Officer HAYS failed to respond to a burglary-in-progress call promptly.

The fact that many of Officer HAYS' failures are repeated incidents of poor performance indicates that Officer HAYS has not taken responsibility for his deficiencies and/or attempted to correct them. This allegation is **SUSTAINED**.

4. PROCEDURE-SUSTAINED

Officer Christopher HAYS retained and stored official police documents in his Department locker.

1. Field Interviews

On October 22, 2013, at 0305 hours, Officer HAYS completed and journalized Field Interview (FI) #2659403 ([REDACTED] DOB: [REDACTED]) Officer HAYS failed to turn in the completed FI at the end of shift and instead stored it in his locker.

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On October 13, 2013, at 0057 hours, Officer HAYS completed and journalized Field Interview (FI) #2468332 ([REDACTED] [REDACTED] DOB: [REDACTED]/[REDACTED]/[REDACTED]) Officer HAYS failed to turn in the completed FI at the end of shift and instead stored it in his locker.

Officer HAYS said

I asked Officer HAYS why field interview #2468332 that he completed and journalized on October 13, 2013, was not turned in. He replied, "Because I did not finish filling it out." I asked him if this was a field interview slip that he should have turned in. He answered, "Yes." I asked him if Department procedure requires him to submit field interview slips to Records with a second copy going either to his command or a more appropriate investigative body. He answered, "That is correct." He agreed it would be inappropriate for him to store the field interview slip in his locker.

I asked Officer HAYS why field interview #2659403 that he completed and journalized on October 22, 2013, was not turned in. He replied, "I just set it there (locker) and forgot I had it in there." I asked him if this was a field interview slip that he should have turned in. He answered, "That is correct."

San Diego Police Department Policy 6.03 V.B. (Field Interview Report), dated September 07, 2012, states:

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San Diego Police Department Policy 4.13 III.A. (Retention/Custody of Officer Notes/Documents and Other Evidence), dated June 14, 2013 states:

The following are the only authorized justifications for personal custody of documents/evidence:

1. Documents mass distributed to members of the Department (i.e., Training Bulletins, Safety Alerts, Department Orders, Investigative Supplementals).
2. Department files or photographs of "wanted" suspects.
3. Photographs, reports, and recordings of current, ongoing, active investigations.

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2. Ride-Along Form

On November 5, 2013, Officer HAYS was assigned a ride-along named [REDACTED] [REDACTED]. Officer HAYS completed the ride-along form and [REDACTED] signed it. Officer HAYS failed to turn in the completed ride-along form at the end of his shift and instead stored it in his locker.

Officer HAYS said

I reminded Officer HAYS that he handled a ride along by the name of [REDACTED] [REDACTED] on November 05, 2013. I told him the ride along form was completely filled out but it was not submitted to the Mid City Ride Along coordinator after the ride along because we found the form in his locker. I asked him why the form was not turned in. He told me that [REDACTED] was a friend of his and he had set the form inside his locker and then forgot about it. I asked Officer HAYS if he understood that Department procedure required him to turn in the form for liability and tracking purposes. He replied, "I do now."

San Diego Police Department Policy 6.15 V.B.4. (Ride-Along Program), dated October 11, 2011 states:

At the conclusion of the ride-along, officers will return the completed Ride-Along Request form to the Ride-Along Coordinator.

3. Domestic Violence/Sexual Assault Form

On July 10, 2013, Officer HAYS assisted with a domestic violence report at 4333 College Avenue #27. Officer HAYS completed a "San Diego County Information for Victims of Domestic Violence/Sexual Assault" form and had the victim sign it. He failed to submit the completed form to the Domestic Violence Unit at the end of shift and instead stored it in his locker.

Officer HAYS said

I reminded Officer HAYS that on July 10, 2013, he completed DV Case # [REDACTED] - [REDACTED] where the victim was [REDACTED] [REDACTED]. I told him we found the signed yellow copy of the DV Information Sheet in his locker indicating it was not forwarded to the Domestic Violence Unit. He said he must have mixed the form in with other papers in his locker and did not know it was there. He agreed that it is necessary for the DV Unit to receive the document that was found in his locker.

San Diego Police Department Policy 4.04 V.G.2. (Domestic Violence), dated January 10, 2014 states:

All copies of photo CDs and/or photographs, interoffice reports, etc. should be forwarded to the Domestic Violence Unit, MS 759, at the completion of the shift. When possible, CDs should be placed in the secured box located in the sally port computer room at Headquarters, rather than sent

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through inter-office mail. CDs from cases for which a suspect is in custody **SHALL** be placed in the secured box prior to the end of shift.

The preceding policy dated August 24, 2010 stated the same as above.

4. Returned Citations for Correction

On or around June 26, 2013, Officer HAYS received traffic citation #Y1403122 that was being returned to him from the Superior Court/Central Division for correction. Officer HAYS did not have the correct vehicle code section listed and needed to complete and submit a Notice to Correct Violation form. Officer HAYS failed to complete the form and instead stored the citation in his locker.

On or around December 24, 2012, Officer HAYS received traffic citation #Y1332301 that was being returned to him from SDPD Records Division for correction. Officer HAYS put the wrong court date on the citation and needed to complete and submit a Notice to Correct Violation form. Officer HAYS failed to complete the form and instead stored the citation in his locker.

Officer HAYS said

I asked him why citation #Y1332301 which he wrote on November 16, 2012, and was returned to him on December 24, 2012, was in his locker. I advised him that the citation had been in his locker for over a year. I asked him if there was any reason the citation should be in his locker. He replied, "No. I totally forgot it." I asked him if he understood that Department procedure required him to complete citation corrections or have the citation voided/dismissed and not just throw it in his locker. He said, "Yes."

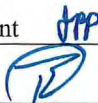
I asked him if he had an explanation for why citation #Y1403122 which he wrote on June 13, 2013, and was returned to him on June 26, 2013, was in his locker. He responded, "No." I asked him if the citation should have been corrected or voided and turned in. He replied, "Yes."

San Diego Police Department Policy 7.01 III.D.8.B. (Traffic Enforcement Procedures), dated August 16, 2013 states:

When an issuing officer determines that an error has been made and a citation correction is needed, the issuing officer **MUST** complete a Citation Correction Notice (PD-494) in triplicate. The original and one copy will be attached to the front of the citation and returned to Records, Citation Processing (MS 703). The issuing officer shall mail the remaining copy of the correction notice to the defendant.

The preceding policy dated May 16, 2012 stated the same as above.

Officer HAYS admitted he retained and stored several official police documents in his locker that were required by Department policy and procedures to be submitted. This allegation is **SUSTAINED**.

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5. PROCEDURE-SUSTAINED

Officer Christopher HAYS searched [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] without a witness officer present.

[REDACTED] [REDACTED] said

After they were alone, Officer HAYS told [REDACTED] he was going to have to pat her down before she got into his car for his safety. [REDACTED] was okay with that. She recalled Officer HAYS checked her legs and waist band.

[REDACTED] [REDACTED] said

After dropping [REDACTED] off at her residence and while they were alone, Officer HAYS patted her down in the area of her breast, groin and buttocks.

[REDACTED] [REDACTED] said

After he dropped [REDACTED] off in front of her residence and while they were alone, Officer HAYS told her he forgot to pat her down. Officer HAYS patted her down in the area of her breast and groin.

[REDACTED] [REDACTED] said

After they were alone, Officer HAYS took [REDACTED] out of the police car, unhandcuffed her and said he needed to search her. She held her hands down at her side and Officer HAYS stood behind her. Officer HAYS patted her down in her breast area.

Officer HAYS said

He patted down [REDACTED] for his safety prior to putting her in his car. He searched [REDACTED] for drugs after they arrived at her residence. Officer HAYS acknowledged he searched [REDACTED] and [REDACTED] without a witness officer present.

He did not recall if he searched [REDACTED] during the contact. He said he did not recall searching or patting down [REDACTED]

He did not have any recollection of his contact with [REDACTED]. He told me it would have been his normal practice to call for a female officer in this type of situation. He also would have notated that in his arrest report. I asked him since there is nothing in his report about a female officer searching [REDACTED] did that indicate she was not searched by a female officer. He said, "That is correct."

Sergeant BASSETT asked Officer HAYS if he was familiar with the Department policy regarding male officers searching females. He responded, "Not too 100% on it." Sergeant BASSETT then read him the policy. Officer HAYS agreed that there was no witness officer present during his pat downs of [REDACTED] and [REDACTED]. He also stated that he did not know the search/pat down

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policy perfectly, but agreed it would be something that he should know to avoid perceived allegations of misconduct.

San Diego Police Department Policy 4.01 IV.C. (Pat Down Procedures), dated November 22, 2011 defines a "pat down" as:

A limited search for the purpose of finding weapons or other instruments that could be used against an officer.

San Diego Police Department Policy 6.01 VI.D. (Searching Procedures), dated October 25, 2013 states:

Male officers should make every effort to have a female officer search a female prisoner. If it is obvious that a female prisoner has a concealed weapon, a male officer may retrieve it if no female officer is immediately available. If a female officer is unavailable, a male officer may search a female prisoner provided a witness officer is present. The searching technique will incorporate the back and edge of the male officer's hand when searching the chest and groin areas.

Officer HAYS admittedly searched [REDACTED] and [REDACTED] without a witness officer present. Officer HAYS stated he did not recall if he searched [REDACTED] but [REDACTED] said he did in fact search her. Officer HAYS did not recall if he searched [REDACTED] at his police vehicle but she said he did.

Officer HAYS violated San Diego Police Department Policy 6.01 by not having a witness officer present when searching females. This allegation is **SUSTAINED**.

6. PROCEDURE-NOT SUSTAINED

Officer Christopher HAYS searched [REDACTED] [REDACTED]

[REDACTED] [REDACTED] said

Officer HAYS told her she had a warrant and handcuffed her. While standing behind her, Officer HAYS patted her arms and wrists. He asked her if she had anything in her pockets that was illegal or sharp. She told him she did not. Officer HAYS put his hand in her jacket pockets to search it. He then put his thumb in the waistband of her sweatpants and ran it around the perimeter. She had no pockets in her sweatpants. Officer HAYS then patted down her legs. He then put his hand under her shirt, pulled out the bottom of her bra and shook it. He felt the inside bra cups with his fingertips. The back of his hand touched her bare breasts but she said it was incidental and she believed it was not intentional. She did not mention anything to the officer about him touching her breasts but she was offended by the way he searched her, and concerned that a female officer was not there during the search.

[REDACTED] said a female officer also searched her at some point during the contact, she could not remember when. She said the female officer searched her over her clothes.

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Officer YEE said

She responded to conduct a search of a female () that Officer HAYS had detained. Officer YEE could not recall if Officer HAYS requested a female officer or if she responded on her own.

Officer YEE said () was already handcuffed when she came to the scene. Officer YEE did not recall if Officer HAYS mentioned anything to her about him having patted down () Officer YEE said she performed a quadrant search of () as had been taught to her in the academy. She said she started at () head and mouth area, then () chest and bra area including pulling on () bra from the outside of her clothing, and then down to the front and back of () legs. Officer YEE said she did not lift up () shirt when conducting the search. She said she did feel (from the outside of ()'s shirt) under the underwire of () bra and into the cups of the bra. Officer YEE did not find any contraband during her search of () She said there would have been no skin to skin contact between her and ()

Officer YEE said she did not witness Officer HAYS search or pat down () She did not recall () making mention of Officer HAYS having already searched her or patted her down.

Officer HAYS said

He had no recollection of this contact with ()

Officer YEE'S account of how she searched () was consistent with how () said she was searched. However, () said Officer HAYS searched her first then a female officer searched her later. Based on the statements, I am unable to prove or disprove if Officer HAYS conducted a search of () This allegation is **NOT SUSTAINED**.

7. CONDUCT-SUSTAINED

Officer HAYS conducted himself in a manner that brought himself and the Department into disrepute.

Officer HAYS entered () residence after providing her with a courtesy ride home. Once inside, he asked her where her bedroom was. She walked into her bedroom and he followed her. He told her to lift up her shirt causing her breasts to be exposed. He had an erection. He then thrust his hips toward her and told () to "touch it." () refused.

Officer HAYS searched () after he provided her with a courtesy ride. During the search he rubbed her breasts and vaginal area over her clothing.

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Officer HAYS provided [REDACTED] with a courtesy ride home. After he dropped her off, he told her he forgot to search her and directed her to go behind a business. Officer HAYS squeezed [REDACTED] breasts and vaginal area.

Officer HAYS arrested [REDACTED] for shoplifting. During the search, he rubbed her breasts.

Officer HAYS knowingly entered untruthful information on the CAD incident involving [REDACTED]. He also admitted he was untruthful in his Internal Affairs interview when he said he knocked on [REDACTED] door.

Officer HAYS searched [REDACTED] [REDACTED] and [REDACTED] without a witness officer present in violation of Department policy.

Officer HAYS violated Department policy and procedure when he failed to submit official police documents, and instead stored them in his locker.

San Diego Police Department Policy 9.06 (Unbecoming Conduct Policy) states:

Officers shall conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Department. Officers shall not conduct themselves in any manner that could bring the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department.

Officer HAYS was arrested and criminally charged with several crimes. Officer HAYS' arrest made local and national news and has brought negativity to the Department. Officer HAYS actions and poor job performance is unacceptable behavior of an officer of the Department. This allegation is **SUSTAINED**.

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DOCUMENTATION:

The results of this investigation are based on the following items:

1. (1) CD-ROM containing tape recorded interviews of:

Subject Officer

HAYS, Christopher

Witness Officer

YEE, Bernadette

2. (1) CD-ROM containing the disclosure interview of [REDACTED].
3. (1) CD-ROM containing the Google Map GPS plotting from Crime Analysis ([REDACTED] incident) as well as Detective GILMORE's investigative report.
4. (1) CD-ROM containing the disclosure interview of [REDACTED] [REDACTED]
5. (1) DVD containing audio and video of [REDACTED] DA Interview.
6. (1) DVD containing audio and video of [REDACTED] and [REDACTED] DA Interview.
7. (1) CD-ROM containing the following audio files:
 - Disclosure interview of [REDACTED] [REDACTED]
 - Follow-up interview with [REDACTED]
 - Interview with [REDACTED] [REDACTED]
 - Interviews of [REDACTED] [REDACTED]
 - Interview with Captain Philip JARVIS.
 - Interview with LPO [REDACTED] [REDACTED]
 - Interview with Sergeant Lisa MCKEAN.
 - Interviews with [REDACTED] [REDACTED] and [REDACTED] [REDACTED]
 - SDPD Communications audio recording from Disc #K8032.
 - SDPD Communications audio for [REDACTED] arrest on October 09, 2013.
 - SDPD Communications audio for [REDACTED] arrest on November 10, 2013.
 - Detective Kevin MCNAMARA's interview of [REDACTED]
 - Recorded phone call to Officer HAYS by Detective GILMORE.

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8. (1) DVD containing the following audio/video files:

- DA Interview with [REDACTED] [REDACTED]
- DA Interview with [REDACTED] [REDACTED]
- Video footage from the Ace Motel at 7058 El Cajon Boulevard.
- Audio interview of [REDACTED] [REDACTED]

9. (1) CD-ROM containing Detective GILMORE's interview with Officer KASHOUTY.

10. (1) CD-ROM containing DA Investigator JC SMITH's interview with [REDACTED] [REDACTED]

11. (1) CD-ROM containing Detective GILMORE's interview with [REDACTED] [REDACTED]

12. (1) CD-ROM containing Detective GILMORE's interviews with Sergeant Craig EVANS and Sergeant Lisa MCKEAN.

13. (1) CD-ROM containing Detective GILMORE's DA Interview of [REDACTED]

14. (2) CD-ROM containing SDPD Communications audio files for the following incident:

- Disc PD14-0035 on December 23, 2013, at 2357 hours for a 459A at 4712 El Cajon Boulevard #J.
- Disc PD14-0052 on October 30, 2013, at 0400 hours for an 11-51 at 52nd Street and El Cajon Boulevard.

15. (8) DVD's containing Automated Vehicle Locator (AVL) information for Officer HAYS on the following dates and times:

- Unit 821Y2 on March 17, 2013, from 2300 to 2400 hours.
- Unit 821J3 on October 30, 2013, from 0350 to 0500 hours.
- Unit 821Q3 on October 09, 2013, from 0230 to 0518 hours.
- Unit 821J3 on November 10, 2013, at 2209 hours to November 11, 2013, at 0130 hours.
- Unit 821J3 on December 23, 2013, at 2335 hours to December 24, 2013, at 0025 hours.
- Unit 821J3 on December 23, 2013, at 0500 hours to December 26, 2013, at 0615 hours.
- Unit 821J1 on June 12, 2013, from 1400 to 1600 hours.
- Unit 821J1 on November 04, 2012, from 0145 to 0330 hours.

16. (1) CD-ROM containing interview transcripts of Officer HAYS' Internal Affairs interview as well as the various interviews of the female witnesses.


17. (1) CD-ROM containing video of Officer HAYS' administrative locker search

18. Four inch binder containing a copy of the Sex Crimes Unit investigation by Detective GILMORE pertaining to [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

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19. Complaint Control Form (CCF) completed by Sergeant SCALLON regarding allegations of misconduct made by [REDACTED]
20. Copies of Incident #P13120041304 (11-51 of [REDACTED] and [REDACTED] #P13120041630 (PSI from [REDACTED] and #P13100056193 (contact with [REDACTED])
21. In relation to [REDACTED] one copy of Officer HAYS' arrest report, a copy of Incident #P12080002483, a copy of Officer YEE's daily journal for August 02, 2012, and associated booking and criminal history information for [REDACTED]
22. In relation to [REDACTED] [REDACTED] one copy of Officer HAYS' Arjis-9, a copy of SDPD Case #13-023192 completed by Officer HAYS, a printout of Incident #P13060022139, a printout of Officer HAYS' journal from June 12, 2013, a copy of an arrest report of [REDACTED] [REDACTED] completed by Officer HAYS for the June 12th incident, and background information on [REDACTED]
23. In relation to [REDACTED] [REDACTED] one copy of Incident #P12110006222, a printout of the registration information for a 2003 Oldsmobile, License Plate Reader (LPR) information, one copy of Incident #P13020015695, one copy of Officer HAYS' journal from February 09, 2013, one copy of SDPD Crime Case #13-005318, and background information on [REDACTED]
24. One copy of Detective GILMORE's follow-up investigation with Officer Brian KASHOUTY #7044 including a copy of Incident #P13120041385.
25. Two subpoenas and a subpoena cancellation for People vs. [REDACTED] [REDACTED] found in Officer HAYS' locker.
26. Citation #Y1332301 and Citation #Y1403122 found in Officer HAYS' locker.
27. Yellow copy of a signed Domestic Violence Information sheet from SDPD Case # [REDACTED] - [REDACTED] found in Officer HAYS' locker.
28. Completed Ride Along (#13-066) form for [REDACTED] [REDACTED] on November 05, 2013, found in Officer HAYS' locker.
29. Field Interview #2659403 and #2468332 found in Officer HAYS' locker.
30. One Google Maps image of 6000 University Avenue signed by Officer HAYS.
31. One copy of Officer HAYS' booking slip from his arrest on February 09, 2014.
32. Printouts of sixty-seven (67) digital photographs of SDPD Vehicle #6784 taken by the Crime Lab.
33. Letter from the Department of Justice (DOJ) advising the San Diego Police Department of Officer HAYS' arrest.

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- 34. One copy of Officer HAYS' resignation letter dated February 19, 2014.
- 35. One copy of Officer HAYS' criminal charging sheet dated February 14, 2014.
- 36. Copies of three media stories from both local and national news organizations regarding Officer HAYS' arrest.

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